

DECLARATION OF EMERGENCY

Department of Children and Family Services Licensing Section

State Central Registry—Maternity Homes, Residential Homes—Type IV, and Child Placing Agencies—General Provisions (LAC 67:V. 6703, 6708, 6710, 6712, 7105, 7107, 7109, 7111, 7112, 7307, 7308, 7311, 7313 and 7315)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67: V, Subpart 8, Residential Licensing, Chapter 71, Residential Homes-Type IV, Chapter 67, Maternity Home, and Chapter 73, Child Placing Agencies. This Emergency Rule shall be effective October 1, 2018, and shall remain in effect for a period of 120 days.

The proposed Rule amends Chapter 67, Maternity Home, §§6703, 6708, and 6710; Chapter 71, Residential Homes—Type IV, §§7105, 7107, 7109, and 7111; and Chapter 73, Child Placing Agencies, §§7307, 7311, 7313, and 7315. The proposed Rule also promulgates Chapter 67, Maternity Home, Section 6712; Chapter 71, Residential Homes—Type IV, Section 7112; and Chapter 73, Child Placing Agencies, Section 7308. In accordance with R.S. 46:1414.1 of the 2017 Regular Legislative Session, any owner, current or prospective employee, contractor, or volunteer requesting licensure or licensed by the DCFS is prohibited from ownership or employment if that person's name is recorded on the state central registry as a perpetrator with a justified finding of child abuse and/or neglect. Each provider licensed by the DCFS shall submit a request for a state central registry check for all owners, staff, and volunteers prior to October 15, 2018. The implementation of this Rule will ensure that no individual with a justified finding of child abuse and/or neglect listed on the state central registry owns, provides services for, or is employed in a facility licensed by DCFS.

Pursuant to R.S. 46:1414.1 of the 2017 Regular Legislative Session, the department shall adopt rules in accordance with the required law effective October 1, 2018. The department considers emergency action necessary in order to meet the requirements of R.S. 46:1414.1.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 67. Maternity Home

§6703. Definitions

A. – B.1. ...

Individual Owner—Repealed.

Owner or Operator—individual or juridical entity exercising direct or indirect control over a licensed entity.

a. For licensing purposes the following are considered owners:

i. *Individual Ownership*—individual and spouse who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or are present at any time on the premises of the facility;

ii. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or are present at any time on the premises of the facility;

iii. *Church Owned, university owned or governmental entity*—any clergy and/or board members who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or are present at any time on the premises of the facility;

iv. *Corporation (includes limited liability companies)*—individual(s) who is registered as an officer with the Louisiana Secretary of State and/or listed on the licensing application submitted and has access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the premises of the facility;

Ownership—Repealed.

Provider—all owners or operators of a facility, including the director of such facility

Reasonable Suspicion—suspicion based on specific and articulable facts which indicate that an owner, or current or potential employee or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect against a minor resulting in a justified and/or valid finding prior to official notification from child welfare whether the person is or is not listed on the state central registry.

State Central Registry (SCR)—a subsystem of the state repository that maintains information on perpetrators of child abuse and/or neglect with valid findings on tiers I, II, and III of the child welfare tiered validity system.

2. - 2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1570 (August 2009), amended LR 36:799, 835 (April 2010), repromulgated LR 36:1275 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:2521 (November 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:968 (April 2012), LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6708. General Provisions

A. Conditions for Participation in a Child-Related Business

1. Any owner/owners of a maternity home shall provide documentation of a satisfactory criminal record check, as required by R.S. 46:51.2 and 15:587.1. A copy of the criminal background check shall be submitted for each owner of a facility with an initial application, a change of ownership (CHOW) application, a change of location (CHOL) application, and/or an application for renewal for maternity home license. No person with a criminal conviction of a felony, or a plea of guilty or nolo contendere of a felony, or plea of guilty or nolo contendere to any

offense included in R.S. 15:587.1, or any offense involving a juvenile victim, shall directly or indirectly own, operate, or participate in the governance of a maternity home. In addition, an owner, or director shall not have a conviction of, or plea of guilty or nolo contendere to any crime in which an act of fraud or intent to defraud is an element of the offense.

2. - 3. ...

B. State Central Registry

1. All owners shall have documentation of a state central registry clearance as required in §6712.

C. - C.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:969 (April 2012), amended LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6710. Personnel Files

A. No person, having any supervisory or other interaction with residents, shall be hired or on the premises of the facility until such person has submitted his or her fingerprints to the Louisiana Bureau of Criminal Identification and Information and it has been determined that such person has not been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C). This shall include any employee/volunteer or non-employee who performs paid or unpaid work with the provider to include contractors, consultants, students, volunteers, trainees, or any other associated person, as defined in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:970 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6712. State Central Registry

A. On October 1, 2018, and no later than October 5, 2018, provider shall submit a list of all owners including board members, contractors, and all staff (paid, non-paid, and volunteers) employed/providing services as of October 1, 2018, to Licensing management staff and shall attest that the information submitted is true and correct. The list shall be signed and dated by the director on file with the Licensing Section or by the owner. In addition, provider shall submit a list of all owners, board members, contractors, and staff (paid, non-paid, and volunteers) that have resided in another state within the previous five years which shall include the individual's name and state(s) in which the individual resided. The list shall be signed and dated by the director on file with the Licensing Section or by the owner. If no owner, contractor, or staff resided in another state within the previous five years, provider shall submit a signed statement attesting to such to Licensing Section management staff.

B. Current Owners as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request for each owner including board members to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For owners including board members who have resided in another state within the proceeding five years, provider shall submit a request to that state's child abuse and neglect

registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state central registry with a valid (justified) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the maternity home.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the notification form for all owners including board members and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a maternity home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry.

5. Upon notification to the maternity home from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the maternity home. The owner can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner is a member of the board or clergy, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual has resigned or been relieved of his position with an effective date of the resignation/removal. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to licensing within seven calendar days verifying that the individual's name has been removed from the Secretary of State's website.

6. If after an initial notification form is received by the maternity home from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding, the owner receives a subsequent notice that he/she is listed on the state central registry and advises the maternity home of the new information prior to receiving official notification from child welfare, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner shall be directly supervised by a paid staff (employee) of the maternity home at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

C. Prospective Owners Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all

owners (including board members) and operators shall be conducted prior to a license being issued. If the owner resided in another state within the preceding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the license being issued.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the maternity home.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the child welfare notification form for all owners including board members and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a maternity home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner(s) is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the maternity home. The owner can voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the valid (justified) finding of abuse and/or neglect is a member of the maternity home board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his/her position on the board/been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit documentation verifying that the individual's name has been removed from the Secretary of State's website to licensing. After receipt of the statement, the application for licensure can continue to be processed.

6. If after an initial notification form is received by maternity home from child Welfare noting that the owner is not listed on the state central registry and due to a new valid finding against the owner receives a subsequent notice (issued after the provider was licensed) that he/she is listed on the state central registry and the owner advises the maternity home of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner, shall be directly supervised by a paid staff (employee) of the maternity home at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect.

Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

D. Current Staff as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request for each currently employed staff (paid and non-paid staff and volunteers) to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For staff who have resided in another state within the preceding five years, provider shall request information from that state's child abuse and neglect registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible for employment or to provide volunteer services with the agency.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the child welfare notification form for all staff and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a maternity home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment with the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff has been relieved of his/her position at the agency with an effective date of the termination. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding the staff receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect, at any and all times when he/she is on the premises and/or in the presence of a child/youth, shall be directly supervised by another paid staff (employee) of the maternity home. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding

of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

E. Prospective Staff Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire or volunteer services provided. Staff persons who have resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the staff being present on the premises or having access to children/youth.

2. A search of the state central registry will determine if the staff is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or to provide volunteer services in a licensed maternity home.

3. Provider shall submit a request to child welfare every five years for staff from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a maternity home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment or to provide volunteer services for the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff with the valid (justified) finding of abuse and/or neglect will not be hired for a position at the agency. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

6. If after the initial notification form is received by the maternity home from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding, the staff receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the maternity home, at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not

be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

F. Current Contractors as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request to DCFS child welfare for a check of the state central registry for each contractor. The request shall be submitted to child welfare no later than October 15, 2018. For contractors who have resided in another state within the proceeding five years, provider shall request a check no later than October 15, 2018 and obtain information from that state's child abuse and neglect registry. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible to provide contracted services for the maternity home.

3. Provider shall submit a request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If a contractor resides in another state but provides services in a maternity home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this contractor from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the individual is listed on the state central registry, the contractor shall no longer be eligible to provide services for the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual will no longer provide services to the agency and the effective date of the termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding the contractor receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the maternity home at any and all times when he/she is on the premises or in the presence of a child/youth.

The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the contractor with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

G. Prospective Contractors Providing Services Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all contractors shall be conducted prior to providing contracted services or having access to children/youth. For contractors who have resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services for the maternity home.

3. Provider shall submit a request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a contractor resides in another state but provides services in a maternity home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this contractor from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. The state central registry clearance form shall be dated no earlier than 45 days of the individual being present on the maternity home premises or having access to children/youth.

6. Upon notification to the provider from child welfare or any other state that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the maternity home with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

7. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that

he/she is listed on the state central registry (issued after the provider was licensed) and advises the maternity home of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the maternity home at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. State central registry clearances are not transferable between owners.

H. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018, with a justified (valid) determination of abuse and/or neglect prior to receipt of official notification from child welfare, shall be verbally immediately reported to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the maternity home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 44:

Chapter 71. Residential Homes—Type IV

§7105. Definitions

A. As used in this Chapter:

* * *

Individual Owner—Repealed.

* * *

Owner—Repealed.

Owner or Operator—individual or juridical entity exercising direct or indirect control over a licensed entity. For licensing purposes the following are considered owners:

a. *Individual Ownership*—individual and spouse who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the premises of the facility;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and have access to the children/youth in care

and/or who receive services from the provider and/or is present at any time on the premises of the facility;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board members who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the premises of the facility;

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer with the Louisiana Secretary of State and/or listed on the licensing application submitted and has access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the premises of the facility;

Ownership—Repealed.

* * *

Reasonable Suspicion—suspicion based on specific and articulable facts which indicate that an owner, or current or potential employee or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect against a minor resulting in a justified and/or valid finding prior to official notification from child welfare whether the person is or is not listed on the state central registry.

* * *

State Central Registry—a subsystem of the State Repository that maintains information on perpetrators of child abuse and/or neglect with valid findings on tiers I, II, and III of the child welfare tiered validity system.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:805 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:976 (April 2012), LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:246 (February 2017), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7107. Licensing Requirements

A. - A.4. ...

5. Documentation of a satisfactory fingerprint based criminal background check from Louisiana State Police shall be submitted for all owners of a residential home, as required by R.S. 46:51.2 and R.S. 15:587.1. No person with a criminal conviction for, or a plea of guilty or *nolo contendere* to, any offense included in R.S. 15:587.1, or any offense involving a juvenile victim, shall directly or indirectly own, operate, or participate in the governance of a residential home. In addition, an owner, or director shall not have a conviction of, or plea of guilty or *nolo contendere* to any crime in which an act of fraud or intent to defraud is an element of the offense. Effective August 1, 2016, criminal background checks (CBC) shall be dated no earlier than 30 days of the individual being present in the facility or having access to the residents or children of residents. If an individual has previously obtained a certified copy of their criminal background check from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police, such certified copy shall be acceptable as meeting the CBC requirements. If an owner obtains a certified copy of their criminal background check from the Louisiana State Police, this criminal background

check shall be accepted for a period of one year from the date of issuance of the certified copy. This certified copy shall be kept on file at the facility. Prior to the one-year expiration of the certified criminal background check, a new fingerprint-based satisfactory criminal background check shall be obtained from Louisiana State Police. If the clearance is not obtained prior to the one-year expiration of the certified criminal background check, the owner is no longer allowed on the premises until a clearance is received.

6. Documentation of a state central registry clearance as required in §7112.

A.7. - B.2.p. ...

q. documentation of a state central registry clearance as required in §7112;

B.2.r. - E.2.f. ...

g. copy of current state central registry clearance forms for all owners and program directors/administrators.

E.3. - F.1.b.xvi....

xvii. documentation of a state central registry clearance as required in §7112;

1.b.xviii. - 3.xvi. ...

xvii. documentation of a state central registry clearances for all owners and staff as required in §7112;

F.3.xviii - G.1.c. ...

d. any validated instance of abuse and/or neglect as noted by inclusion on the state central registry if the owner is responsible or if the staff member who is responsible remains in the employment of the licensee;

e. - m. ...

n. knowingly permit an individual with a justified (valid) finding of child abuse and/or neglect to be on the premises without being directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding prior to receipt of the official notification from child welfare that the individual is listed on the state central registry;

o. permit an individual to be on the premises or to have access to children/youth when listed on the state central registry;

G.1.p. - L.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S.46:1401 et seq., and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 36:807 (April 2010), amended LR 36:843 (April 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:977, 984 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:249 (February 2017), LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7109. Critical Violations/Fines

A. - A.1....

2. §7111.A.9.a.i-v, vii, ix, or x—staffing ratios;

3. §7117.F.19—motor vehicle checks;

4. §7111.D.1.a if sections noted in §7111.D.7. also cited or §7111.D.1.b.i. if sections noted in §7111.D.7 also cited or §7111.D.2.—critical incident reporting; and/or

5. §7111.A.9.a.vi, §7111.A.9.a.xi, §7111.A.9.a.xiii-xv, §7111.A.4.c, §7123.B.5, or §7123.B.6—supervision.

B. - E.1.e. ...

f. If the provider exceeds staffing ratios by more than one resident, increase the fine by \$25.

g. If the provider failed to meet staffing ratios related to children of residents, increase the fine by \$25.

h. If the provider self-reported the incident which caused the critical violation to be cited, decrease the fine by \$25.

i. If the provider failed to self-report the incident which caused the critical violation to be cited, increase the fine by \$25.

j. If a critical violation for supervision was cited due to residents or children of residents being unsupervised in a vehicle, increase the fine by \$25.

k. If a critical violation for supervision was cited due to staff not knowing the whereabouts of residents to which they are assigned, increase the fine by \$25.

F. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:258 (February 2017), amended LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7111. Provider Requirements

A. - A.2.c.ii. ...

iii. have a state central registry notification form from child welfare has required in §7112;

2.c.iv. - 5.b. ...

c. All contractors with direct or indirect contact with children/youth shall have documentation of a state central registry clearance as required in §7112.

A.6. - B.2.a.ix. ...

x. state central registry clearance forms as required in §7112.

B.2.b. - J.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:811 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:979, 984 (April 2012), LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:261 (February 2017), LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7112. State Central Registry

A. On October 1, 2018, and no later than October 5, 2018, provider shall submit a list of all owners including board members, contractors, and all staff (paid, non-paid, and volunteers) employed/providing services as of October 1, 2018, to Licensing management staff and shall attest that the information submitted is true and correct. The list shall be signed and dated by the director on file with the Licensing section or by the owner. In addition, provider shall submit a list of all owners, board members, contractors and staff (paid, non-paid, and volunteers) that have resided in another state within the previous five years which shall include the individual's name and state(s) in which the individual resided. The list shall be signed and dated by the director on file with the Licensing section or by the owner. If no owner, contractor or staff resided in another state within the previous five years, provider shall submit a signed statement attesting to such to Licensing section management staff.

B. Current Owners as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request for each owner including board members to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For owners including board members who have resided in another state within the proceeding five years, provider shall submit a request to that state's child abuse and neglect registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state central registry with a valid (justified) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the residential home.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the notification form for all owners including board members and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a residential home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry.

5. Upon notification to the residential home from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the residential home. The owner can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner is a member of the board or clergy, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual has resigned or been relieved of his position with an effective date of the resignation/removal. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days verifying that the individual's name has been removed from the Secretary of State's website.

6. If after an initial notification form is received by the residential home from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding, the owner receives a subsequent notice that he/she is listed on the state central registry and advises the residential home of the new information prior to receiving official notification from child welfare, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with

the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

C. Prospective Owners Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all owners (including board members) shall be conducted prior to a license being issued. If the owner resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the license being issued.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the residential home.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the child welfare notification form for all owners including board members and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a residential home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the Residential home. The owner can voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the valid (justified) finding of abuse and/or neglect is a member of the residential home board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his/her position on the board/been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit documentation verifying that the individual's name has been removed from the Secretary of State's website to Licensing. After receipt of the statement, the application for licensure can continue to be processed.

6. If after an initial notification form is received by residential home from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding against the owner receives a subsequent notice (issued after the provider was licensed) that he/she is listed on the state central registry and the owner advises the

residential home of the new information prior to their appeal rights being exhausted, Licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner, shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

D. Current Staff as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request for each currently employed staff (paid and non-paid staff and volunteers) to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For staff who have resided in another state within the proceeding five years, provider shall request information from that state's child abuse and neglect registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible for employment or to provide volunteer services with the agency.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the child welfare notification form for all staff and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a residential home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment with the residential home. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day indicating that the staff has been relieved of his/her position at the agency with an effective date of the termination. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding the staff receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than

the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect, at any and all times when he/she is on the premises and/or in the presence of a child/youth, shall be directly supervised by another paid staff (employee) of the residential home. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

E. Prospective Staff Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire or volunteer services provided. Staff persons who have resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the staff being present on the premises or having access to children/youth.

2. A search of the state central registry will determine if the staff is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or to provide volunteer services in a licensed residential home.

3. Provider shall submit a request to child welfare every five years for staff from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a residential home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment or to provide volunteer services for the residential home. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day indicating that the staff with the valid (justified) finding of abuse and/or neglect will not be hired for a position at the agency. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

6. If after the initial notification form is received by the residential home from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding, the staff receives a subsequent notice that he/she is listed on the state central registry (issued after the

provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, Licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the residential home, at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

F. Current Contractors as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request to DCFS child welfare for a check of the state central registry for each contractor. The request shall be submitted to child welfare no later than October 15, 2018. For contractors who have resided in another state within the proceeding five years, provider shall request a check no later than October 15, 2018 and obtain information from that state's child abuse and neglect registry. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible to provide contracted services for the residential home.

3. Provider shall submit a request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If a contractor resides in another state and provides services in a residential home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this contractor from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the individual is listed on the state central registry, the contractor shall no longer be eligible to provide services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual will no longer provide services to the agency and the effective date of the termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid

finding the contractor receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the contractor with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

G. Prospective Contractors Providing Services Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all contractors shall be conducted prior to providing contracted services or having access to children/youth. For contractors who have resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services for the residential home.

3. Provider shall submit a request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a contractor resides in another state and provides services in a residential home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this contractor from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. The state central registry clearance form shall be dated no earlier than 45 days of the individual being present on the residential home premises or having access to children/youth.

6. Upon notification to the provider from child welfare or any other state that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified)

finding of abuse and/or neglect has been relieved of his duties with the residential home with the effective date of termination of services. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

7. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the residential home of the new information prior to their appeal rights being exhausted, Licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. State central registry clearances are not transferable between owners.

H. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018 with a justified (valid) determination of abuse and/or neglect prior to receipt of official notification from child welfare, shall be verbally immediately reported to Licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 44:

Chapter 73. Child Placing Agencies—General Provisions

§7305. Definitions

* * *

Owner or Operator—individual or juridical entity exercising direct or indirect control over a licensed entity.

1. For licensing purposes the following are considered owners:

a. *Individual Ownership*—individual and spouse who are listed on the licensing application submitted and

have access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the agency premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the agency premises when children/youth are present;

c. *Church Owned*, university owned or governmental entity—any clergy and/or board members who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the agency premises when children/youth are present;

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer with the Louisiana Secretary of State and/or listed on the licensing application submitted and has access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the agency premises when children/youth are present;

* * *

Provider—an entity that is responsible for the placement of children in foster care to include the Department of Children and Family Services and any private child placing provider licensed by the department. All owners or operators of a facility, including the director of such facility.

Reasonable Suspicion—suspicion based on specific and articulable facts which indicate that an owner, or current or potential employee or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect against a minor resulting in a justified and/or valid finding prior to official notification from child welfare whether the person is or is not listed on the state central registry.

* * *

State Central Registry (SCR)—a subsystem of the state repository that maintains information on perpetrators of child abuse and/or neglect with valid findings on tiers I, II, and III of the child welfare tiered validity system.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:821 (March 2011), amended LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7307. Licensing Requirements

A. - G.1.d. ...

e. any validated instance of abuse and/or neglect as noted by inclusion on the state central registry if the owner is responsible or if the staff member who is responsible remains in the employment of the licensee;

f. - g. ...

h. provider refuses to allow the Licensing Section to perform mandated duties, i.e., denying entrance to the facility, lack of cooperation for completion of duties, intimidating or threatening DCFS staff, etc.;

i. knowingly permit an individual with a justified (valid) finding of child abuse and/or neglect to be on the premises without being directly supervised by another paid employee of the facility, who has not disclosed that their

name appears with a justified (valid) finding prior to receipt of the official notification from child welfare that the individual is listed on the state central registry.

G.2. - L.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:823 (March 2011), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7308. State Central Registry

A. On October 1, 2018, and no later than October 5, 2018, provider shall submit a list of all owners including board members, contractors and a list of all staff (paid, non-paid, and volunteers) employed/providing services as of October 1, 2018 to licensing management staff and shall attest that the information submitted is true and correct. The list shall be signed and dated by the director on file with the Licensing section or by the owner. In addition, provider shall submit a list of all owners, board members, contractors and staff (paid, non-paid, and volunteers) that have resided in another state within the previous five years which shall include the individual's name and state(s) in which the individual resided. The list shall be signed and dated by the director on file with the Licensing section or by the owner. If no owner, contractor or staff resided in another state within the previous five years, provider shall submit a signed statement attesting to such to Licensing section management staff.

B. Current Owners as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request for each owner including board members to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For owners including board members who have resided in another state within the preceding five years, provider shall submit a request to that state's child abuse and neglect registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state central registry with a valid (justified) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the child placing agency.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the notification form for all owners including board members and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a child placing agency in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry.

5. Upon notification to the child placing agency from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to

own, operate, or participate in the governance or management of the child placing agency. The owner can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner is a member of the board or clergy, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual has resigned or been relieved of his position with an effective date of the resignation/removal. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to licensing within seven calendar days verifying that the individual's name has been removed from the Secretary of State's website.

6. If after an initial notification form is received by the child placing agency from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding, the owner receives a subsequent notice that he/she is listed on the state central registry and advises the child placing agency of the new information prior to receiving official notification from child welfare, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner shall be directly supervised by a paid staff (employee) of the child placing agency at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

C. Prospective Owners Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all owners (including board members) shall be conducted prior to a license being issued. If the owner resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the license being issued.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the child placing agency.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the child welfare notification form for all owners including board members and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a child placing agency in the state of Louisiana, provider shall submit a request to that

state's child abuse and neglect registry every five years from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner(s) is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the Child placing agency. The owner can voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the valid (justified) finding of abuse and/or neglect is a member of the child placing agency board, the provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day indicating that the board member has resigned his/her position on the board/been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit documentation verifying that the individual's name has been removed from the Secretary of State's website to Licensing. After receipt of the statement, the application for licensure can continue to be processed.

6. If after an initial notification form is received by child placing agency from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding against the owner receives a subsequent notice (issued after the provider was licensed) that he/she is listed on the state central registry and the owner advises the child placing agency of the new information prior to their appeal rights being exhausted, Licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner, shall be directly supervised by a paid staff (employee) of the child placing agency at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

D. Current Staff as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request for each currently employed staff (paid and non-paid staff and volunteers) to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For staff who have resided in another state within the proceeding five years, provider shall request information from that state's child abuse and neglect registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child

abuse and neglect registry shall be eligible for employment or to provide volunteer services with the agency.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the child welfare notification form for all staff and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a child placing agency in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment with the child placing agency. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff has been relieved of his/her position at the agency with an effective date of the termination. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding the staff receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect, at any and all times when he/she is on the premises and/or in the presence of a child/youth, shall be directly supervised by another paid staff (employee) of the child placing agency. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

E. Prospective Staff Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire or volunteer services provided. Staff persons who have resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the staff being present on the premises or having access to children/youth.

2. A search of the state central registry will determine if the staff is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse

and/or neglect shall be eligible for employment or to provide volunteer services in a licensed child-placing agency.

3. Provider shall submit a request to child welfare every five years for staff from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a child placing agency in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment or to provide volunteer services for the child placing agency. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff with the valid (justified) finding of abuse and/or neglect will not be hired for a position at the agency. If this statement is not received by Licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

6. If after the initial notification form is received by the child placing agency from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding, the staff receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the child placing agency, at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

F. Current Contractors as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request to DCFS child welfare for a check of the state central registry for each contractor. The request shall be submitted to child welfare no later than October 15, 2018. For contractors who have resided in another state within the proceeding five years, provider shall request a check no later than October 15, 2018 and obtain information from that state's child abuse and neglect registry. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible to provide contracted services for the child placing agency.

3. Provider shall submit a request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If a contractor resides in another state but provides services in a child placing agency in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this contractor from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the individual is listed on the state central registry, the contractor shall no longer be eligible to provide services for the child-placing agency. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual will no longer provide services to the agency and the effective date of the termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding the contractor receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the child placing agency at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the contractor with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

G. Prospective contractors providing services effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all contractors shall be conducted prior to providing contracted services or having access to children/youth. For contractors who have resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45

days prior to the individual providing services or having access to children/youth.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services for the child placing agency.

3. Provider shall submit a request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a contractor resides in another state but provides services in a child placing agency in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this contractor from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. The child welfare notification form shall be dated no earlier than 45 days of the individual being present on the child placing agency premises or having access to children/youth.

6. Upon notification to the provider from child welfare or any other state that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the child placing agency. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the child placing agency with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

7. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the child placing agency of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the child placing agency at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. State central registry clearances are not transferable between owners.

H. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018, with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be verbally immediately reported to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the child placing agency, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 44:

§7311. Provider Responsibilities

A. – A.7.a.ii. ...

iii. have a state central registry notification form from child welfare has required in §7308.

A.8. – B.2.a.ix. ...

x. documentation of a state central registry clearance as required in §7308.

B.2.b. – H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:828 (March 2011), amended LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7313. Foster Care Services

A. – A.3.a. ...

b. An inquiry of the state central registry for members of the household 18 years of age and older shall be conducted prior to certification and annually thereafter. No person whose name is recorded on the state central registry with a valid (justified) finding of abuse and/or neglect of a child can reside in the home. If any member of the household 18 years of age or older resided in one or more other states within the proceeding five years, the provider shall request and obtain information from each state's child abuse and neglect registry prior to certifying the foster/adoptive parents. Out of state clearances shall be requested and obtained after the application is received by the CPA and prior to certification and placement of a child in the home.

i. Effective October 1, 2018, state central registry clearances shall be accepted for a period of one year from the date of issuance and shall be kept on file at the agency. Prior to the one year expiration of the SCRs, new SCR clearances shall be obtained for all foster parents and household members aged 18 years and older from DCFS.

ii. State central registry clearances obtained prior to October 1, 2018 are acceptable for one year from date of issuance. For SCR clearances dated prior to October 1, 2017,

the provider shall submit a new request to DCFS for a SCR clearance no later than November 30, 2018.

c. An inquiry of the state central registry shall be submitted within 30 calendar days of a household member attaining their 18th birthday. Prior to any person 18 years or older moving into the home, a state central registry clearance shall be obtained. If any potential member of the household resided in one or more other states within the proceeding five years, the provider shall request and obtain information from each state's child abuse and neglect registry prior to allowing them to move into the home.

i. Effective October 1, 2018, state central registry clearances shall be accepted for a period of one year from the date of issuance and shall be kept on file at the agency. Prior to the one year expiration of the SCRs, new SCR clearances shall be obtained for all foster parents and household members aged 18 years and older from DCFS.

ii. State central registry clearances obtained prior to October 1, 2018 are acceptable for one year from date of issuance. For SCR clearances dated prior to October 1, 2017, the provider shall submit a new request to DCFS for a SCR clearance no later than November 30, 2018.

d. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse or neglect of a child can reside in the home. If an individual recorded on the state central registry is found to be living in the home, the children placed in the home shall be immediately removed and the foster/adoptive parents decertified.

e. The DCFS child welfare notification form shall be dated no earlier than 45 days of the foster/adoptive parents being certified or household members over the age of 18 years being present in the home.

f. State central registry clearance forms are not transferable between owners.

A.4. - C.5.b.vii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and Act 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:833 (March 2011), amended LR 38:985 (April 2012), LR 42:222 (February 2016), LR 42:1508 (September 2016), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7315. Adoption Services

A. - A.2.a. ...

b. An inquiry of the state central registry for members of the household 18 years of age and older shall be conducted prior to certification and annually thereafter. No person whose name is recorded on the state central registry with a valid (justified) finding of abuse and/or neglect of a child can reside in the home. If any member of the household 18 years of age or older resided in one or more other states within the proceeding five years, the provider shall request and obtain information from each state's child abuse and neglect registry prior to certifying the foster/adoptive parents. Out of state clearances shall be requested and obtained after the application is received by the CPA and prior to certification and placement of a child in the home.

i. Effective October 1, 2018, state central registry clearances shall be accepted for a period of one year from the date of issuance and shall be kept on file at the agency. Prior to the one year expiration of the SCRs, new SCR

clearances shall be obtained for all foster parents and household members aged 18 years and older from DCFS.

ii. State central registry clearances obtained prior to October 1, 2018 are acceptable for one year from date of issuance. For SCR clearances dated prior to October 1, 2017, the provider shall submit a new request to DCFS for a SCR clearance no later than November 30, 2018.

c. An inquiry of the state central registry shall be submitted within 30 calendar days of a household member attaining their 18th birthday. Prior to any person 18 years or older moving into the home, a state central registry clearance shall be obtained. If any potential member of the household resided in one or more other states within the proceeding five years, the provider shall request and obtain information from each state's child abuse and neglect registry prior to allowing them to move into the home.

i. Effective October 1, 2018, state central registry clearances shall be accepted for a period of one year from the date of issuance and shall be kept on file at the agency. Prior to the one year expiration of the SCRs, new SCR clearances shall be obtained for all foster parents and household members aged 18 years and older from DCFS.

ii. State central registry clearances obtained prior to October 1, 2018 are acceptable for one year from date of issuance. For SCR clearances dated prior to October 1, 2017, the provider shall submit a new request to DCFS for a SCR clearance no later than November 30, 2018.

d. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect of a child can reside in the home. If an individual recorded on the state central registry is found to be living in the home, the children placed in the home shall be immediately removed and the foster/adoptive parents decertified.

e. The DCFS child welfare notification form shall be dated no earlier than 45 days of the foster/adoptive parents being certified or household members over the age of 18 years being present in the home.

f. state central registry clearance forms are not transferable between owners.

A.3. - J.4.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and Act 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section LR 37:842 (March 2011), amended LR 42:1508 (September 2016), amended by the Department of Children and Family Services, Licensing Section, LR 44:

Marketa Garner Walters
Secretary