

NOTICE OF INTENT

Department of Children and Family Services

Child Welfare
Child Protective Services

Maintenance and Disclosure of Information on Reports and
Investigations on the State Repository
(LAC 67:V.1105)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Section 1105 Maintenance and Disclosure of Information on Reports and Investigations on the State Repository.

This rule is necessary to clarify to the public that information of individuals is maintained on the State Repository within cases of child abuse/neglect and includes all individuals involved in the case when there is a justified/valid finding for at least one individual.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 3. Child Protective Services

Chapter 11. Administration and Authority

§1105. Maintenance and Disclosure of Information on Reports
and Investigations on the State Repository

A. - I. ...

J. Case information and findings from investigations that include ~~Information of~~ individuals with justified/valid findings for their involvement as a perpetrator of child abuse or neglect in a case that includes a will be maintained on the state repository indefinitely for tier 1 justified/valid determinations; and finding will be maintained on the state repository indefinitely. Case information and findings from investigations that involve individuals with justified/valid

findings for their involvement as a perpetrator of child abuse or neglect in a case that does not include a tier 1 justified/valid finding will be maintained on the state repository for 18 years from the date of the finding for all other justified/valid determinations.

K. - O. ...

AUTHORITY NOTE: Promulgated in accordance with Louisiana Children's Code Article 616.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 26:96 (January 2000), amended LR 31:1608 (July 2005), LR 36:840 (April 2010), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:1000 (June 2018), effective July 1, 2018, amended LR 45:218 (February 2019), amended LR 47:

Family Impact Statement

The proposed rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through June 28, 2021 to Rhenda Hodnett, Assistant Secretary of Child

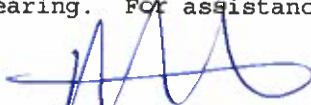
Welfare, Department of Children and Family Services, P. O. Box
3318, Baton Rouge, LA 70821.

Public Hearing

A virtual public hearing on the proposed rule will be held
at 9 a.m. on June 28, 2021, by the Department of Children and
Family Services. All interested persons will be afforded an
opportunity to submit data, views, or arguments via PC, Mac,
Linux, iOS or Android at

<https://stateofladcfs.zoom.us/j/84844007106?pwd=RmJURU9MUeSNbHVTbWhvSFNwUG1TZz09> using password 170791; or via telephone by
dialing (713) 353-0212 and entering conference code 430033. To
find local AT&T numbers visit

<https://www.teleconference.att.com/servlet/glbAccess?process=1&ccessNumber=USA7133530212&accessCode=430033>. Individuals with
disabilities who require special services should contact the
DCFS Appeals Unit at least seven working days in advance of the
hearing. For assistance, call (225) 342-4120 (Voice and TDD).


Marketa Garner Walters
Secretary

4/16/21

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Person Preparing Statement: Rhenda Hodnett Department: Children and Family Services
Phone: (225) 342-4044 Office: Child Welfare
Return Address: 627 N. 4th St., P.O. Box 3318 Baton Rouge, LA 70821 Rule Title: Maintenance and Disclosure of Information on Reports and Investigations on the State Repository
Date Rule Takes Effect: September 1, 2021

SUMMARY (Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Other than publication costs, it is not anticipated that any state or local governmental units will incur costs or savings as a result of this rule change. The proposed rule amends LAC 67:V, Section 1105.

The rule updates the current language to clarify that valid records that include a tier 1 child abuse or neglect finding will be maintained in the State Repository indefinitely and valid records that do not contain a tier 1 child abuse and neglect finding will be maintained for 18 years.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule change is not anticipated to have a cost or direct economic benefit to small businesses or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule change is not expected to have an effect on competition and employment.

Rhenda Hodnett

Signature of Agency Head or Designee

5/7/2021 | 12:16 PM CDT

Date

Alan M. Barton

LEGISLATIVE FISCAL OFFICER OR DESIGNEE

Rhenda Hodnett, Assistant Secretary of Child Welfare
Typed Name and Title of Agency Head or Designee

5/10/21

DATE OF SIGNATURE

Eric Horant

Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated)

The proposed rule is necessary to clarify to the public that information of individuals within cases for investigations of child abuse and neglect when at least one individual in the case has a tier 1 justified/valid finding will be kept indefinitely on the State Repository, while those valid cases that do not include a tier 1 finding will be kept for 18 years. Information that is released for the limited purposes as permitted by law is not affected by this proposed rule.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

The proposed rule is necessary to clarify to the public that information of individuals within cases for investigations of child abuse and neglect when at least one individual in the case has a tier 1 justified/valid finding will be kept indefinitely on the State Repository, while those valid cases that do not include a tier 1 finding will be kept for 18 years. Information that is released for the limited purposes as permitted by law is not affected by this proposed rule.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will not be an increase in the expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) Yes. If yes, attach documentation.

(b) No. If no, provide justification as to why this rule change should be published at this time.

The administrative cost of publishing rulemaking is routinely included in the department's annual operating budget appropriated by the legislature.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 21	FY 22	FY 23
Personal Services	\$0	\$0	\$0
Operating Expenses	\$639 (rulemaking)	\$0	\$0
Professional Services	\$0	\$0	\$0
Other Charges	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Major Repair & Constr.	\$0	\$0	\$0
Total	\$639	\$0	\$0
Positions (#)			

2. Provide a narrative explanation of the costs or savings shown in "A.1.," including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The only cost associated with the proposed rule is for the publication of rulemaking. There is no savings, increase or reduction in the workload or additional paperwork anticipated as a result of the implementation of the rule.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 21	FY 22	FY 23
State General Fund	\$639	\$0	\$0
Agency Self-Generated	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Dedicated	\$	\$0	\$0
Other (Specify)	\$0	\$0	\$0
Total	\$639	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The department currently has sufficient funds to cover the cost of publishing rulemaking.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There are no estimated costs or savings to local governmental units resulting from this rule.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these cost or savings.

The proposed rule will have no impact on local governmental units.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

Revenue Increase/Decrease	FY 21	FY 22	FY 23
State General Fund	\$0	\$0	\$0
Agency Self-Generated	\$0	\$0	\$0
Dedicated Funds *	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0
Total	\$0	\$0	\$0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There will be no increase or decrease in revenues.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

There are no anticipated costs to any persons or non-governmental groups as a result of this rule.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

This proposed rule will not have a significant impact on receipts and/or income.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There is no anticipated impact on competition and employment in the public or private sectors.