

SENATE BILL NO. 109

BY SENATOR BARROW

1 AN ACT

2 To enact R.S. 17:407.29, relative to early childhood programs; to provide relative to
3 confidentiality of applications and client case records for child care assistance
4 clients; to provide for exceptions; to provide for waiver of confidentiality; to provide
5 for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:407.29 is hereby enacted to read as follows:

8 **§407.29. Confidentiality of applications and client case records for child care**
9 **assistance clients; waiver; penalty**

10 **A. Applications for assistance and information contained in case records**
11 **of child care assistance clients of the Department of Education shall be**
12 **confidential and, except as otherwise provided in this Section, it shall be**
13 **unlawful for any person to solicit, disclose, receive, make use of, authorize,**
14 **knowingly permit, participate in, or acquiesce in the use of applications or client**
15 **case records or the information contained therein for any purpose not directly**
16 **connected with the administration of department programs.**

17 **B. Notwithstanding any provision of law to the contrary, all offices and**
18 **divisions within the department are hereby expressly authorized to share access**
19 **to child care assistance case records as necessary for the administration of the**
20 **programs they administer, except as prohibited by federal law or regulation.**

21 **C. Publication of lists or names of clients or applicants is prohibited,**
22 **except as provided in this Section.**

1 **D. Subject to the exceptions enumerated in this Subsection, confidential**
2 **information may be released to an outside source not directly connected with**
3 **the administration of department programs, but only upon written request of**
4 **the outside source and only after written waiver by the applicant, client, or his**
5 **legal representative is provided. Governmental authorities, the courts, and law**
6 **enforcement agencies shall be considered the same as any other outside source,**
7 **except as provided in Subsections E, F, and G of this Section.**

8 **E.(1) Upon request of any authorized person as defined in this**
9 **Subsection, the most recent address and place of employment of any absent**
10 **parent shall be provided if such information is available, notwithstanding any**
11 **other provision of this Section. For the purposes of this Subsection, the term**
12 **"authorized person" shall mean:**

13 **(a) Any agent or attorney of any state agency which has the duty or**
14 **authority to seek to recover any amounts owed as child support.**

15 **(b) Any court of competent jurisdiction which has authority to issue an**
16 **order against an absent parent for the support and maintenance of a child, or**
17 **any agency of such court.**

18 **(c) Any resident parent, legal guardian, attorney, or agent of any child,**
19 **except a child currently receiving aid to dependent children, without regard to**
20 **the existence of any court order against an absent parent who has a duty to**
21 **support and maintain the child.**

22 **(2) Department information pertaining to financial assistance programs**
23 **may be released in accordance with federal laws and regulations governing the**
24 **release of financial assistance program information.**

25 **F. The following information shall not be subject to waiver and shall not**
26 **be released to applicants, recipients, or outside sources, except those outside**
27 **sources engaged in the administration of department programs:**

28 **(1) Information furnished to the department by persons, governmental**
29 **agencies, or other legal entities, when the provider of information is subject to**
30 **a confidentiality statute or regulation which prohibits release of such**

1 information to an outside source.

2 (2) Information contained in applications for assistance and case records
3 that is furnished to law enforcement agencies or courts to aid in the prosecution
4 of criminal offenses related to any department program.

5 G. The department may release information to other state agencies that
6 are engaged in rendering services or treatment to a department program
7 recipient or former recipient. The agency receiving the information from the
8 department pursuant to this Subsection shall be bound by the same
9 confidentiality standard as prescribed in this Section with regard to release of
10 information to the recipient, the client's legal representative, or an outside
11 source.

12 H. Any person who knowingly and willfully violates any of the provisions
13 of this Section shall be fined not more than two thousand five hundred dollars
14 or imprisoned for not more than two years in the parish jail, or both, nor less
15 than five hundred dollars or ninety days on each count.

16 I. Notwithstanding any provision of this Section, in any hearing before
17 the State Civil Service Commission, Equal Employment Opportunity
18 Commission, and any office in the Louisiana Workforce Commission in its
19 capacity of administering the Louisiana Employment Security Law, or in any
20 civil or criminal judicial proceeding, wherein the work performance or conduct
21 of an employee of the department is at issue, client case records relevant to said
22 work performance or conduct shall be admissible. However, prior to admission
23 into evidence, the client case records shall have client names and identifying
24 data obliterated. The department shall provide to the employee the relevant
25 case records with names and other identifying data obliterated, except that
26 where an employee is disciplined as a result of allegations made by the
27 guardian, parents, family members, or tutor of the client, the names of the
28 accuser shall not be withheld so as to deny the employee the right of
29 confrontation granted to him by the constitution and laws of the United States
30 of America and the state of Louisiana.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____