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The original instrument was prepared by Margaret M. Corley. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl M. Serrett.

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DIGEST

SB 109 Engrossed

2016 Regular Session

Barrow

Present law provides for the Child Care and Development Fund Programs. (R.S. 17:407.28)

Proposed law provides that applications for assistance and the information contained in the case records of child care assistance clients of the Department of Education (department) shall be confidential and any use of such information not directly connected with the administration of the department programs shall be unlawful.

Proposed law provides that publication of the names of clients or applicants is prohibited except as provided.

Proposed law provides that confidential information may be released to an outside source not directly connected with the administration of the program when written request is submitted and a written waiver by the applicant, client or his legal representative is provided.

Proposed law provides that an authorized person shall be provided with the most recent address and place of employment of any absent parent. An authorized person shall mean:

- (1) Any agent of attorney of any state agency which has the authority to seek to recover child support.
- (2) Any court of competent jurisdiction, or agency of such court, which has authority to issue an order against an absent parent for the support and maintenance of a child.
- (3) Any resident parent, legal guardian, attorney, or agent of any child, except a child currently receiving aid to dependent children, without regard to the existence of any court order against an absent parent who has a duty to support and maintain any such child.

Proposed law provides that department information pertaining to financial assistance programs may be released in accordance with federal laws and regulations.

Proposed law provides that certain information shall not be subject to waiver and shall not be released to applicants, recipients, or outside sources, except those outside sources engaged in the administration of the programs of the department. Further provides that information not subject to waiver or release includes:

- (1) Information furnished to the department by persons, governmental agencies, or other legal entities when the provider of information is subject to a confidentiality statute or regulation

which prohibits release of such information to an outside source.

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

Proposed law provides that the department may release information to other state agencies that are engaged in rendering services or treatment to a department program recipient or former recipient. Further provides that the agency receiving the information shall be bound by the same confidentiality standard as provided for in proposed law.

Proposed law provides that the department may inform the parent or guardian of any child being cared for at a public or private early learning center, registered family child care home, or in-home provider that the department is investigating or has found it necessary to take adverse action against such provider.

Proposed law provides that any person who knowingly and willfully violates any of the provisions of proposed law shall be fined not more than \$2,500 or imprisoned for not more than 2 years in the parish jail, or both, nor less than \$500 or 90 days on each count.

Proposed law provides that client case records shall be admissible in a hearing before the State Civil Service Commission, Equal Employment Opportunity Commission, and any office in the Louisiana Workforce Commission in its capacity of administering the Louisiana Employment Security Law, wherein the work performance or conduct shall be admissible. Further provides that names and other identifying data be obliterated, except in the case of discipline resulting from allegations made by the guardian, parent, family members, or tutor of the client.

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

(Adds R.S. 17:407.29)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Makes technical changes.
2. Makes penalties contingent upon knowing and willful violation of proposed law.