

2017 Regular Session

SENATE RESOLUTION NO. 216

BY SENATOR MIZELL

CHILDREN/FAMILY SERVICES DEPT. Requests DCFS to remove the names of individuals determined to pose no risk to children from the state central registry for abuse and neglect.

1 A RESOLUTION

2 To urge and request the Department of Children and Family Services to remove the name  
3 of an individual from the state central registry for abuse and neglect, if a risk  
4 evaluation panel has issued a written finding that the individual poses no risk to  
5 children.

6 WHEREAS, Article 616 of the Children's Code requires the Department of Children  
7 and Family Services (DCFS) to maintain a central registry of all reports of abuse and neglect  
8 and to promulgate rules regarding the maintenance, deletion, and release of information in  
9 the central registry; and

10 WHEREAS, R.S. 17:407.41 provides that no individual whose name is recorded on  
11 the DCFS state central registry as a perpetrator for a justified finding of abuse or neglect of  
12 a child shall own or operate a licensed early learning center or shall be hired by a licensed  
13 early learning center as an employee or volunteer of any kind, unless there is a finding by  
14 the DCFS that the individual does not pose a risk to children; and

15 WHEREAS, current DCFS regulations provide that an individual whose name is  
16 recorded on the state central registry may request the department to perform a risk evaluation  
17 assessment, whereupon a risk evaluation panel shall conduct an investigation and make a  
18 determination as to whether the individual poses a risk to children; and

1           WHEREAS, if a risk evaluation panel issues a written finding that an individual does  
2 not pose a risk to children, the individual is deemed eligible to own, operate, or be employed  
3 by an early learning center, but DCFS does not remove the individual's name from the  
4 central registry; and

5           WHEREAS, passed and pending legislation delete provisions in current law that  
6 allow an individual whose name is on the DCFS state central registry, but who has a written  
7 finding from a risk evaluation panel that he does not pose a risk to children, to be employed  
8 in an early learning center; and

9           WHEREAS, the rules and regulations established by DCFS for the state central  
10 registry and the risk assessment and risk evaluation process are contradictory and confusing,  
11 thus causing problems for both licensed early learning centers and current and prospective  
12 employees; and

13           WHEREAS, approximately two hundred day care center employees who have been  
14 cleared by a DCFS risk evaluation panel will no longer be eligible for employment, because  
15 their names remain on the state central registry; and

16           WHEREAS, the loss of these employees could hinder early learning centers from  
17 complying with established minimum child-to-staff ratios, thus endangering their licensure  
18 and ability to continue to operate; and

19           WHEREAS, it is only fair and just that DCFS remove an individual's name from the  
20 state central registry if the department's risk evaluation assessment and risk evaluation panel  
21 process result in the issuance of a written finding that the individual does not pose a threat  
22 to children.

23           THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana  
24 does hereby urge and request the Department of Children and Family Services to remove the  
25 name of an individual from the state central registry for abuse and neglect, if a risk  
26 evaluation panel has issued a written finding that the individual poses no risk to children.

27           BE IT FURTHER RESOLVED that the secretary of the Department of Children and  
28 Family Services submit a written report detailing the actions taken in response to this  
29 Resolution to the Senate Committee on Education, the House Committee on Education, and  
30 the state superintendent of education not later than February 1, 2018.

1           BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
2 secretary of the Department of Children and Family Services and the state superintendent  
3 of education.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jeanne C. Johnston.

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SR 216 Original	DIGEST 2017 Regular Session	Mizell
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Requests the Department of Children and Family Services to remove the name of an individual from the state central registry for abuse and neglect, if a risk evaluation panel has issued a written finding that the individual poses no risk to children.