

SENATE RESOLUTION NO. 216

BY SENATOR MIZELL

A RESOLUTION

To urge and request 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.

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

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

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

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request 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.

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

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

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PRESIDENT OF THE SENATE