

2025 Regular Session

HOUSE BILL NO. 617

BY REPRESENTATIVES CARVER, AMEDEE, BACALA, BAMBURG, BERAULT, BILLINGS, BOYER, BRAUD, BRYANT, CHENEVERT, COATES, COX, CREWS, DICKERSON, DOMANGUE, EDMONSTON, FIRMENT, FISHER, FREIBERG, GLORIOSO, HEBERT, HENRY, HILFERTY, JACKSON, MIKE JOHNSON, KERNER, LACOMBE, MACK, MCMAKIN, MELERINE, MOORE, NEWELL, OWEN, SCHLEGEL, SPELL, STAGNI, TAYLOR, THOMPSON, WALTERS, WILDER, WRIGHT, AND WYBLE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN/DCFS: Reorganizes the Department of Children and Family Services

1 AN ACT

2 To amend and reenact Children's Code Articles 509(B)(1), 512(B)(1), 522(A)(2), 1269.3(F),

3 1270(B), (E), and (F), 1271(A), 1273, 1283.2(H), 1285.2(H), and 1519, Code of

4 Evidence Article 902(10), R.S. 6:333(F)(14), R.S. 9:315.16(A), 315.40(1) and (3),

5 399.1(A) and (F)(3) and (4), and 406(B)(2) and (C)(2), R.S. 11:441.1(F), R.S. 13:998

6 (B) and (E)(1) and (3), 1141(B) and (E)(1) and (3), 1414(B) and (E)(1) and (3),

7 4291(B)(1), and 5108.2, R.S. 15:587(A)(2)(a) and (b), 587.1(I), and 587.5(A)(4),

8 R.S. 17:192.1(A)(1)(a) and (3), R.S. 23:1605(A)(4), R.S. 36:3(7), 8(E)(2)(d), 9(C),

9 471(B) and (C)(1), 472(A), 475.1(B) and (C), 476, and 477, R.S. 40:34.5(E),

10 46.12(D) and (F), and 1061.14(B)(3)(b)(i), R.S. 43:111(A)(8), R.S. 44:38, R.S.

11 46:51(introductory paragraph), 51.3, 114(A), (B), (C)(1)(introductory paragraph) and

12 (2), (D), and (E)(3), 114.2, 233.1(C)(introductory paragraph) and (D)(introductory

13 paragraph), 236.1.1(3), 236.1.4(E), 236.1.8(D), 236.3(A)(2), 236.10(A), 236.11(C),

14 236.12(B)(1), 236.14(D)(1)(introductory paragraph), 236.15(A)(1), 236.16, 238(B),

15 (C), (D), (E)(introductory paragraph) and (7), and (F), 281, 443, 1002(A),

16 (B)(introductory paragraph), and (C), and 2136.2(F), R.S. 47:299.11(1), 299.41(B),

17 463.112(C), and 9027(C)(10)(introductory paragraph) and (c), and R.S. 51:1442(4)

18 and to repeal R.S. 36:474(A)(11) and (G) and 477(B)(2) and R.S. 46:51(2) and (14)

19 and 233.1(A) and (B), relative to the organization of the Department of Children and

1 Family Services; to create the office of child support and the office of child welfare;
2 to eliminate the office of children and family services; to transfer the duties of
3 certain offices within the Department of Children and Family Services; to remove
4 outdated provisions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Articles 509(B)(1), 512(B)(1), 522(A)(2), 1269.3(F),
7 1270(B), (E), and (F), 1271(A), 1273, 1283.2(H), 1285.2(H), and 1519 are hereby amended
8 and reenacted to read as follows:

9 Art. 509. Development of interagency protocols; drafting committee membership;
10 meetings; compliance deadline

11 * * *

12 B. At a minimum, each committee shall include the following members:

13 (1) A representative of the office of ~~children and family services~~, child
14 welfare, Department of Children and Family Services.

15 * * *

16 Art. 512. Composition of the multidisciplinary investigative team

17 * * *

18 B. Governmental entities that have responsibilities imposed by law for the
19 investigation of child abuse include:

20 (1) The office of ~~children and family services~~, child welfare, Department of
21 Children and Family Services.

22 * * *

23 Art. 522. Applicability

24 A. A child advocacy center is established and becomes subject to the
25 provisions of this Chapter when all of the following have been accomplished:

26 * * *

27 (2) An agreement to use the services of a child advocacy center has been
28 executed by representatives of the district attorney, the office of ~~children and family~~
29 ~~services~~, child welfare, Department of Children and Family Services, the coroner,

the sheriff, and any other law enforcement agency having responsibility in the district for the investigation of child abuse.

* * *

Art. 1269.3. Continuing contact agreement; parties; required declarations

* * *

F. The continuing contact agreement shall contain the requirements in substantially the following form:

STATE OF LOUISIANA

PARISH OF (NAME OF PARISH)

AGREEMENT FOR POST-ADOPTION CONTINUING CONTACT

We (NAME OF ADOPTIVE PARENT(S)) and (NAME OF ADULT PERSON PERMITTED CONTACT BY ARTICLE 1269.2) agree to post-adoption continuing contact between (NAME OF ADOPTED CHILD) and (NAME OF PERSON PERMITTED CONTACT) in accordance with the provisions of this Agreement. This Agreement reflects our commitment to an on-going, cooperative relationship focused upon meeting (NAME OF CHILD)'s needs now and in the future, fully recognizing that those needs may change as (HE/SHE) matures.

OR

We (NAME OF ADOPTIVE PARENT(S)) and (NAME OF ADULT PARENT, GUARDIAN OR LEGAL CUSTODIAN OF MINOR SIBLING) agree to post-adoption continuing contact between (NAME OF ADOPTED CHILD) and (NAME OF MINOR SIBLING) in accordance with the provisions of this Agreement. This Agreement reflects our recognition of the significance and enduring nature of sibling relationships and our commitment to supporting and preserving the on-going relationship between (NAME OF CHILD) and (MINOR SIBLING).

We have each freely and voluntarily entered into this Agreement and intend to be bound by its terms. We have been counseled and advised by the Department, our attorney, or other appropriate professional of the meaning of these declarations,

1 the effects of a continuing contact agreement, and the opportunity to have our own
2 respective counsel review this Agreement.

3 We recognize that any dispute or litigation regarding the terms of this
4 Agreement shall not affect the validity of any surrender or termination of parental
5 rights, adoption, or custody of (NAME OF CHILD).

6 We also recognize that upon approval of the court, this Agreement becomes
7 legally binding and any party to it may seek enforcement of its terms.

8 We also agree that (NAME OF DEPARTMENT REPRESENTATIVE or
9 NAME OF COUNSEL FOR ADOPTIVE PARENT) shall file this Agreement with
10 the proper court of jurisdiction by (DATE NO LATER THAN 10 DAYS FROM
11 EXECUTION OF THE AGREEMENT) requesting the court's approval of this
12 Agreement in accordance with Louisiana Children's Code Article 1269.5.

13 We agree to the following enforceable post-adoption continuing contact:
14 (INSERT PROVISIONS NEGOTIATED BY PARTIES.)

15 This Agreement reflects our minimum expectations regarding continuing
16 contact for the duration of the minority of (NAME OF CHILD). We understand that
17 we can agree upon other continuing contact arrangements in the future through
18 informal or formal means. However, we recognize that these minimum expectations
19 must be preserved until such time as we modify them by mutual written agreement
20 or the court modifies or terminates this Agreement in accordance with Louisiana
21 Children's Code Article 1269.8.

22 We certify that we enter this Agreement in good faith and intend that it
23 always be interpreted to serve (NAME OF CHILD)'s best interest. We agree that we
24 will always attempt to resolve any disagreement that may arise in (HIS/HER) best
25 interest and acknowledge that court modification or enforcement is to be used only
26 as a last resort when all informal means of resolution have been exhausted. We
27 acknowledge that Louisiana Children's Code Article 1269.8 authorizes the court to
28 hear a motion to enforce, modify, or terminate this Agreement only after we have
29 attempted in good faith to mediate the issues underlying our disagreement. Should

1 mediation fail to resolve our differences, the court may modify or terminate this
2 Agreement upon finding a change of circumstances and the Agreement no longer
3 serves the best interest of (NAME OF CHILD).

4 This instrument reflects the entire agreement between us regarding post-
5 adoption continuing contact. There are no promises, terms, conditions, or
6 obligations other than those stated in this written Agreement.

7 We acknowledge that unless it is the legal custodian of a minor sibling named
8 in this Agreement, the Department of Children and Family Services, office of
9 ~~children and family services~~, child welfare is not a party to this Agreement and has
10 no responsibility for enforcement of it.

11 This Agreement becomes effective upon approval of the court in accordance
12 with Louisiana Children's Code Article 1269.5.

13 THIS DONE, READ, AND SIGNED this day of _____,
14 20 , Parish of (NAME OF PARISH), State of Louisiana.

15 _____

16 ADOPTING PARENT

17 _____

18 OTHER ADOPTING PARENT, IF ANY

19 _____

20 ADULT PERSON PERMITTED CONTACT

21 _____

22 ADULT PARENT, GUARDIAN OR LEGAL CUSTODIAN OF MINOR SIBLING

23 _____

24 WITNESS

25 _____

26 WITNESS

27 _____

28 NOTARY

29 * * *

1 Art. 1270. Legislative findings; purpose; release of information

2 * * *

3 B. There is hereby created within the office of ~~children and family services~~
4 child welfare, ~~of the~~ Department of Children and Family Services a voluntary
5 registry for the matching of adopted persons, or an adoptive parent of a minor or
6 deceased adopted person, or a descendant of a deceased adopted person, or his parent
7 if a minor, and biological parents or siblings, or both, or a parent, sibling, or
8 descendant, or his parent if a minor, of a deceased biological parent. The purpose
9 of this registry shall be to facilitate voluntary contact between the adopted person,
10 or an adoptive parent of a minor or deceased adopted person, or the descendant of
11 a deceased adopted person, or his parent if a minor, and a biological parent or
12 biological sibling, or both, or a parent, sibling, or descendant, or his parent if a
13 minor, of a deceased biological parent.

14 * * *

15 E. The office of ~~children and family services~~ child welfare shall not release
16 any registry information in violation of this Chapter.

17 F. The office of ~~children and family services~~ child welfare shall confirm for
18 an adopted person the fact of his adoption and identify the court in which the
19 adoption was finalized and the agency, firm, or lawyer facilitating the adoption when
20 that information is known. To receive this information, the adopted person shall be
21 eighteen years of age or older, provide proof of identity, and submit a written
22 request.

23 Art. 1271. Registration

24 A. Registration shall be by affidavit filed with the office of ~~children and~~
25 ~~family services~~. child welfare. That office shall develop and furnish standardized
26 affidavit forms appropriate for effecting the purpose of this Chapter.

27 * * *

1 Art. 1273. Confidentiality

2 Documents filed with the office of ~~children and family services~~, child
3 welfare, pursuant to this Chapter, shall be confidential and shall not be available for
4 inspection, except under the procedures set forth in this Chapter.

5 * * *

6 Art. 1283.2. Permissible reimbursement of expenses

7 * * *

8 H. A copy of the Adoption Disclosure Affidavit and all orders of the court
9 pursuant to this Article shall be mailed to the office of ~~children and family services~~,
10 child welfare, Department of Children and Family Services.

11 * * *

12 Art. 1285.2. Permissible reimbursement of expenses

13 * * *

14 H. A copy of the Adoption Disclosure Affidavit and all orders of the court
15 pursuant to this Article shall be mailed to the office of ~~children and family services~~,
16 child welfare, Department of Children and Family Services.

17 * * *

18 Art. 1519. Hearing

19 The petition shall be set for hearing on the record unless specifically waived
20 by the court. If the Department of Children and Family Services, office of ~~children~~
21 ~~and family services~~, child welfare, has recommended that the petition for voluntary
22 transfer of custody be filed, a representative for the department shall testify at the
23 hearing with particularity the reasons for the recommendation. Further, the
24 department representative shall specify why a child in need of care petition should
25 not be filed and shall testify regarding the preventative services offered by the
26 department to the petitioner to prevent the transfer of custody.

1 Section 2. Code of Evidence Article 902(10) is hereby amended and reenacted to
2 read as follows:

3 Art. 902. Self-authentication

4 Extrinsic evidence of authenticity as a condition precedent to admissibility
5 is not required with respect to the following:

6 * * *

7 (10) Labor reports. A copy of a report from the Louisiana Workforce
8 Commission, or from any state or federal reporting agency, which is in the
9 possession of a field officer of the ~~support enforcement services program, office of~~
10 ~~children and family, office of child support,~~ Department of Children and Family
11 Services, introduced as evidence in any child or spousal support proceeding. "Field
12 officer" means any person designated or authorized as a field officer pursuant to the
13 provisions of R.S. 46:236.1.8.

14 Section 3. R.S. 6:333(F)(14) is hereby amended and reenacted to read as follows:

15 §333. Disclosure of financial records; reimbursement of costs

16 * * *

17 F. The following disclosures by a bank or any affiliate are hereby
18 specifically authorized and, except as otherwise provided in this Subsection, nothing
19 in this Section shall prohibit, restrict, or otherwise apply to:

20 * * *

21 (14) The disclosure by a bank or any affiliate of data match information on
22 an individual to the secretary of the Department of Children and Family Services; or
23 his designee in the office of ~~children and family services, child support enforcement~~
24 ~~section,~~ for use in attempting to establish, modify, or enforce a child support
25 obligation of such individual. Such disclosure to the department shall be limited to
26 the name, record address, social security or taxpayer identification number, and an
27 average daily account balance for the most recent thirty-day period, of a noncustodial
28 parent who maintains an account at such institution and who owes past-due support
29 as identified by the state by name and social security or taxpayer identification

1 number. The disclosure authorization provided for in this Paragraph shall apply to
2 all co-owners listed on the applicable account.

3 * * *

4 Section 4. R.S. 9:315.16(A), 315.40(1) and (3), 399.1(A) and (F)(3) and (4), and
5 406(B)(2) and (C)(2) are hereby amended and reenacted to read as follows:

6 §315.16. Review of guidelines

7 A. The guidelines set forth in this Part shall be reviewed by the legislature
8 not less than once every four years. A review of the guidelines shall take place in
9 2012 and every four years thereafter, and it shall be the responsibility of the office
10 of ~~children and family services, child support, enforcement section of the~~
11 Department of Children and Family Services, and the Louisiana District Attorneys
12 Association, in consultation with the child support review committee provided in
13 Subsection B of this Section, to obtain all information required to comply with the
14 provisions of 42 U.S.C. 667(a) and present the same to the legislature sixty days
15 prior to the beginning of the 2008 Regular Session of the Legislature and every four
16 years thereafter.

17 * * *

18 §315.40. Definitions

19 As used in this Subpart:

20 (1) "Administrator" means the administrator of the ~~child support~~
21 ~~enforcement section, office of children and family services, office of child support,~~
22 Department of Children and Family Services.

23 * * *

24 (3) "Department" means the Department of Children and Family Services,
25 office of ~~children and family services~~ child support.

26 * * *

§399.1. Dismissal of final order following judgment of paternity; time periods;
procedure; effects

A. Notwithstanding any other provision of law, a judgment establishing paternity may be set aside or vacated by the adjudicated father of a child, the child, the mother of the child, or the legal representative of any of these persons. The proceeding shall be instituted by ordinary process in a court of competent jurisdiction and service shall be made upon the office of ~~children and family services~~, child support, ~~enforcement section of the~~ Department of Children and Family Services, if services are being provided by the department. The burden of proof shall be upon the party seeking to set aside or vacate the judgment of paternity. The proceeding shall be brought within a two-year period commencing with the date on which the adjudicated father knew or should have known of a judgment that established him as the father of the child or commencing with the date the adjudicated father knew or should have known of the existence of an action to adjudicate the issue of paternity, whichever is first.

* * *

F.

* * *

(3) The judgment dismissing an established order of support shall be served upon the office of ~~children and family services~~, child support, ~~enforcement section of the~~ Department of Children and Family Services, if services are being provided by the department.

(4) Neither the state of Louisiana, its officers, employees, agents, contractors, nor the office of ~~children and family services~~, child support, ~~enforcement section of the~~ Department of Children and Family Services shall be liable in any case to compensate any person for child support paid or for any other costs as a result of the judgment setting aside or vacating the judgment of paternity or support entered in accordance with this Section.

* * *

§406. Revocation of authentic act; with and without cause; procedure

* * *

B.

* * *

(2) The petitioner shall institute the annulment proceeding by ordinary process in a court of competent jurisdiction upon notice to the other party who executed the notarial act of acknowledgment and other necessary parties including the office of ~~children and family services~~, child support, ~~enforcement section of the~~ Department of Children and Family Services.

* * *

C.

* * *

(2) Neither the state of Louisiana, its officers, employees, agents, contractors, nor the office of ~~children and family services~~, child support, ~~enforcement section of the~~ Department of Children and Family Services shall be liable to compensate any person for child support paid or any other costs as a result of the revocation of any authentic act of acknowledgment or the annulment of any judgment of paternity or support in accordance with this Section.

* * *

Section 5. R.S. 11:441.1(F) is hereby amended and reenacted to read as follows:

§441.1. Early Retirement and Payroll Reduction Act of 2006

* * *

F. Notwithstanding any other provision of law or of this Section to the contrary, the provisions of this Section which eliminate vacated positions shall not be applicable to any positions of the Department of Children and Family Services, office of ~~children and family services~~, child support ~~enforcement section~~; or to Department of Public Safety and Corrections security officers or probation and parole officers; or to any positions of the LSU health care services division.

* * *

1 Section 6. R.S. 13:998(B) and(E)(1) and (3), 1141(B) and (E)(1) and (3), 1414(B)
2 and (E)(1) and (3), 4291(B)(1), and 5108.2 are hereby amended and reenacted to read as
3 follows:

4 §998. Nonrefundable fee; assessment and disposition

5 * * *

6 B. The clerks of the respective district courts, within thirty days of the close
7 of each fiscal year, shall remit all funds collected pursuant to this Section to be
8 deposited in the state treasurer's account for credit to a special statutorily dedicated
9 fund account after meeting the requirements of Article VII, Section 9 of the
10 Constitution of Louisiana. The monies in this account shall be invested by the state
11 treasurer in the same manner as monies in the state general fund, and interest earned
12 on the investment of these monies shall be credited to the account following
13 compliance with the requirement of Article VII, Section 9(B) of the Constitution of
14 Louisiana, relative to the Bond Security and Redemption Fund. Disbursement of
15 funds shall be made by the ~~office of children and family services in the~~ Department
16 of Children and Family Services, or its successor, in accordance with Paragraph
17 (E)(2) of this Section and only in amounts appropriated by the legislature. Monies
18 deposited into this account shall be categorized as fees and self-generated revenue
19 for the sole purpose of reporting related to the executive budget, supporting
20 documents, and general appropriations bills and shall be available for annual
21 appropriations by the legislature.

22 * * *

23 E.(1) Within thirty days of receipt of such funds, ~~the office of children and~~
24 ~~family services~~ the Department of Children and Family Services shall distribute the
25 funds among those qualifying organizations. A qualifying organization ~~must~~ shall
26 be recognized as a nonprofit organization under Section 501(c)(3) of the Internal
27 Revenue Code and be located and operated within Caddo, Calcasieu, Caldwell, East
28 Carroll, West Carroll, Franklin, Jackson, St. Landry, Lincoln, Madison, Morehouse,

1 St. Bernard, Ouachita, Union, Richland, Tensas, Sabine, DeSoto, Vermilion, or
2 Lafayette Parish and shall provide:

3 * * *

4 (3) Organizations seeking to be qualified shall apply on an annual basis to
5 the ~~office of children and family services~~ Department of Children and Family
6 Services within the time and in the manner designated by the ~~office of children and~~
7 ~~family services~~ department and afford such reasonable proof as is required to
8 establish its entitlement to funds.

9 * * *

10 §1141. Domestic Relations Section; nonrefundable fee; assessment and disposition

11 * * *

12 B. The clerk of the civil district court, within thirty days of the close of each
13 fiscal year, shall remit all costs collected pursuant to this Section to be deposited in
14 the state treasurer's account for credit to a special statutorily dedicated fund account
15 after meeting the requirements of Article VII, Section 9 of the Constitution of
16 Louisiana. The monies in this account shall be invested by the state treasurer in the
17 same manner as monies in the state general fund, and interest earned on the
18 investment of these monies shall be credited to the account following compliance
19 with the requirement of Article VII, Section 9(B) of the Constitution of Louisiana
20 relative to the Bond Security and Redemption Fund. Disbursement of funds shall be
21 made by the ~~office of children and family services~~ in the Department of Children and
22 Family Services, or its successor, in accordance with Paragraph (E)(2) of this Section
23 and only in amounts appropriated by the legislature. Monies deposited into this
24 account shall be categorized as fees and self-generated revenue for the sole purpose
25 of reporting related to the executive budget, supporting documents, and general
26 appropriations bills and shall be available for annual appropriation by the legislature.

27 * * *

28 E.(1) Within thirty days of the receipt of such funds, the ~~office of children~~
29 ~~and family services~~ department shall distribute the funds among those qualifying

1 organizations. A qualifying organization ~~must~~ shall be recognized as a non-profit
2 organization under Section 501(c)(3) of the Internal Revenue Code and be located
3 within the parish of Orleans, and shall provide:

4 * * *

5 (3) Organizations seeking to be qualified shall apply on an annual basis to
6 the ~~office of community services~~ department within the time and in the manner
7 designated by the ~~office of community services~~ department and afford such
8 reasonable proof as is required to establish its entitlement to funds.

9 * * *

10 §1414. Nonrefundable fee; assessment and disposition

11 * * *

12 B. The clerk of the 19th Judicial District Court, within thirty days of the
13 close of each fiscal year, shall remit all costs collected pursuant to this Section to be
14 deposited in the state treasurer's account for credit to a special statutorily dedicated
15 fund account after meeting the requirements of Article VII, Section 9 of the
16 Constitution of Louisiana. The monies in this account shall be invested by the state
17 treasurer in the same manner as monies in the state general fund, and interest earned
18 on the investment of these monies shall be credited to the account following
19 compliance with the requirement of Article VII, Section 9(B) of the Constitution of
20 Louisiana relative to the Bond Security and Redemption Fund. Disbursement of
21 funds shall be made by the ~~office of children and family services~~ in the Department
22 of Children and Family Services, or its successor, in accordance with Paragraph
23 (E)(2) of this Section and only in amounts appropriated by the legislature. Monies
24 deposited into this account shall be categorized as fees and self-generated revenue
25 for the sole purpose of reporting related to the executive budget, supporting
26 documents, and general appropriations bills and shall be available for annual
27 appropriations by the legislature.

28 * * *

1 E.(1) Within thirty days of the receipt of such funds, the ~~office of children~~
2 ~~and family services~~ Department of Children and Family Services shall distribute the
3 funds among those qualifying organizations. A qualifying organization ~~must~~ shall
4 be recognized as a nonprofit organization under Section 501(c)(3) of the Internal
5 Revenue Code and be located within the parish of East Baton Rouge, and shall
6 provide:

7 * * *

8 (3) Organizations seeking to be qualified shall apply on an annual basis to
9 the ~~office of children and family services~~ Department of Children and Family
10 Services within the time and in the manner designated by the ~~office of children and~~
11 ~~family services~~ Department of Children and Family Services and afford such
12 reasonable proof as is required to establish its entitlement to funds.

13 * * *

14 §4291. Effect of child support payments; judicial mortgage and privilege; affidavit
15 of support owed; prescription

16 * * *

17 B.(1) In all cases where the Department of Children and Family Services is
18 enforcing child support services, a judgment created by operation of law pursuant to
19 Subsection A of this Section shall be executory in all respects, without the necessity
20 of a judicial proceeding to determine the amount actually owed. The director of the
21 office of child support, ~~child support enforcement section, office of children and~~
22 ~~family services~~, Department of Children and Family Services, or his designee shall
23 certify the actual amount in an affidavit entitled "Child Support Mortgage and
24 Privilege by Affidavit of DCFS". Such affidavit shall have the effect of a judgment.
25 Notwithstanding any other law to the contrary, prescription shall not begin to run
26 against any such judgment until the child reaches the age of majority or the
27 obligation to provide child support ceases.

28 * * *

1 §5108.2. Child protective services workers; legal defense

2 The Department of Justice shall provide any worker of the ~~child protection~~
3 ~~services division of the office of children and family services~~ office of child welfare,
4 ~~of the~~ Department of Children and Family Services with a legal defense in any civil
5 action arising from any activity within the course and scope of the worker's
6 employment.

7 * * *

8 Section 7. R.S. 15:587(A)(2)(a) and (b), 587.1(I), and 587.5(A)(4) are hereby
9 amended and reenacted to read as follows:

10 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal

11 Identification and Information

12 A.

13 * * *

14 (2)(a) The bureau, in accordance with its powers to regulate and to enforce
15 provisions herein, may further restrict those agencies eligible to receive information.
16 However, the bureau shall make available to the Department of Children and Family
17 Services all criminal history record information as defined in R.S. 15:576 related to
18 foster and adoptive parent applicants and adult members of foster and adoptive
19 parent households; parents whose children have been removed from their custody;
20 parents or caretakers involved in investigations of abuse or neglect; potential
21 caretakers of a child who is either in the custody of the department, is the subject of
22 an investigation of abuse or neglect, or is or has been receiving services through the
23 office of ~~children and family services~~ child welfare; potential employees of the
24 department whose duties include the investigation of child abuse or neglect, the
25 supervisory or disciplinary authority over children, direct care of a child, or
26 performance of licensing surveys; and individuals employed directly or indirectly by
27 institutions or facilities providing, or with the potential of providing, daily care or
28 supervision to any child or youth in the custody of or under the supervision of any
29 Louisiana state government agency. For the purposes of this Section, the bureau

1 shall employ such methods and procedures and shall observe such duty hours as to
2 provide information upon request within forty-eight hours from its receipt.

3 (b) The bureau shall facilitate national criminal history record checks of
4 prospective foster and adoptive parent applicants and adult members of foster and
5 adoptive parent households; parents whose children have been removed from their
6 custody; parents or caretakers involved in investigations of abuse or neglect;
7 potential caretakers of a child who is either in the custody of the department, is the
8 subject of an investigation of abuse or neglect, or is or has been receiving services
9 through the office of ~~children and family services~~ child welfare; potential employees
10 of the department whose duties include the investigation of child abuse or neglect,
11 the supervisory or disciplinary authority over children, direct care of a child, or
12 performance of licensing surveys; and individuals employed directly or indirectly by
13 institutions or facilities providing, or with the potential of providing, daily care or
14 supervision to any child or youth in the custody of or under the supervision of any
15 Louisiana state government agency by receiving and forwarding fingerprint cards to
16 the Federal Bureau of Investigation. The Department of Children and Family
17 Services is authorized to receive and screen the results of the state and national
18 criminal history record checks in order to determine foster or adoptive parent
19 applicants' eligibility for certification or recertification as a placement resource for
20 children; to assist in the determination of the appropriateness of a parent or potential
21 caregiver as a placement resource for a child; to assess the situation for safety issues
22 and risks to the child and worker; to assess the qualifications of a potential
23 department employee; and to assess the qualifications of individuals employed,
24 directly or indirectly, by institutions or facilities providing, or with the potential of
25 providing, daily care or supervision to any child or youth in the custody of or under
26 the supervision of any Louisiana state government agency. The department shall
27 maintain the confidentiality of criminal history information received in accordance
28 with applicable federal or state law.

29 * * *

§587.1. Provision of information to protect children

* * *

I. Notwithstanding any other provision of law to the contrary, the Department of Children and Family Services ~~Services, office of children and family services~~, may utilize the National Crime Information Center to conduct background checks authorized in R.S. 15:587 when investigating or responding to reports of abuse or neglect as provided for in Section 151 of Public Law 109-248.

* * *

§587.5. Agencies with access to federal tax information; criminal history information

A. For purposes of this Section, "agency" means any agency that has an agreement with the Internal Revenue Service to access federal tax information or is authorized by law to audit the records of an agency that has access to federal tax information. "Agency" shall include all of the following:

* * *

(4) Department of Children and Family ~~Services, child support enforcement and family support~~ Services, office of child support.

* * *

Section 8. R.S. 17:192.1(A)(1)(a) and (3) are hereby amended and reenacted to read as follows:

§192.1. Meals; denial to students; procedures

A. If the governing authority of a public elementary school, for any reason, adopts a policy of denying a scheduled meal to a child who is an elementary school student, it shall implement the following procedures to provide for safeguards to the child's health and the child's ability to learn:

(1) Prior to withholding a meal from the child, the school shall do each of the following:

(a) Provide actual notification to the child's parent or legal guardian as to the date and time after which meals may be denied, the reason for such denial, any

1 action that may be taken by the parent or legal guardian to prevent further denial of
2 meals, and the consequences of the failure to take appropriate actions to prevent such
3 denial, including that the school governing authority shall contact the office of
4 ~~children and family services~~ child welfare, ~~within the~~ Department of Children and
5 Family Services upon the third instance of such denial during a single school year
6 as provided in Paragraph (3) of this Subsection.

7 * * *

8 (3) Upon the third instance during a single school year of the same
9 elementary school child being denied a meal during school hours, the school
10 governing authority shall contact the office of ~~children and family services~~ child
11 welfare, ~~within the~~ Department of Children and Family Services to report the failure
12 of the parent or guardian to pay for meals which has resulted in repeated denials of
13 meals during school hours.

14 Section 9. R.S. 23:1605(A)(4) is hereby amended and reenacted to read as follows:

15 §1605. Unemployment insurance integrity program

16 A. For the purposes of this Section, the following terms have the meanings
17 ascribed to them:

18 * * *

19 (4) "New hire records" means the directory of newly hired and re-hired
20 employees reported under state and federal law and managed by the ~~child support~~
21 ~~enforcement section, division of family support, office of children and family~~
22 ~~services, office of child support~~, Department of Children and Family Services.

23 * * *

24 Section 10. R.S. 36:3(7), 8(E)(2)(d), 9(C), 471(B) and (C)(1), 472(A), 475.1(B) and
25 (C), 476, and 477 are hereby amended and reenacted to read as follows:

26 §3. Definitions

27 As used in this Title, the following terms have the following meanings unless
28 the context clearly indicates otherwise:

29 * * *

(7) "Undersecretary" means the officer designated to direct and be responsible for the functions of the office of management and finance of certain departments. For the Department of Children and Family Services, "undersecretary" means the officer designated to direct and be responsible for the functions of the division of management and finance within the office of children and family services.

* * *

8 §8. Fiscal oversight and program evaluation

* * *

10 E. As used in this Section, the following words shall have the following
11 meanings unless the context clearly indicates otherwise:

* * *

(2) "Undersecretary" means the undersecretary of each department in the executive branch of state government, except "undersecretary" means the following in the case of the listed departments:

* * *

(d) For the Department of Children and Family Services, the secretary; however, for the purposes of Paragraph (A)(2) and Subsection D of this Section, "undersecretary" shall mean the undersecretary for the ~~division~~ office of management and finance for the department. In addition, for purposes of Paragraph (A)(5) of this Section, reports of problems related to budget, finances, or administration shall be the responsibility of the undersecretary as provided in Paragraph (A)(5) of this Section, and reports of problems related to programs and policy shall be the direct responsibility of the secretary. Any provision of this Section that requires the undersecretary to report to or inform the secretary shall not be applicable to the Department of Children and Family Services for any function or responsibility exercised by the secretary pursuant to this Subparagraph.

* * *

§9. Designation of certain organizational units; uniform terminology

* * *

C.~~(1)~~ Each organizational unit which reports to the secretary, which is not an agency and is not within an office, shall be in the executive office of the secretary and shall be designated as follows:

~~(a)~~ (1) A unit which reports directly to the secretary shall be designated as a bureau.

~~(b)~~ (2) A subunit of a bureau shall be designated as a section.

~~(c)~~ (3) A subunit of a section shall be designated as a unit.

~~(2) For the Department of Children and Family Services, each organizational unit which reports to the secretary, which is not an agency and is not within the division of management and finance, the division of child welfare, or the division of family support, shall be in the executive division, and shall be designated as follows:~~

~~(a) A unit which reports directly to the secretary shall be designated as a bureau.~~

~~(b) A subunit of a bureau shall be designated as a section.~~

~~(c) A subunit of a section shall be designated as a unit.~~

* * *

§471. Department of Children and Family Services; creation; domicile; composition; purpose and functions

B.(1) ~~The Department of Children and Family Services, through its office and officers, shall be responsible for the development and providing of social services and the improvement of social conditions for the citizens of Louisiana. The department declares that every child deserves to be safe, stability is the foundation for success, and strong families create strong communities.~~

(2) It is the mission of the department to protect children, empower families, and strengthen communities so every child grows up safe, stable, and strong. The department envisions a future where every child thrives in a safe, stable, and loving environment, supported by empowered families and resilient communities.

1 (3) To accomplish the mission and vision set forth, the department declares
2 the following:

3 (a) It will take accountability and be committed to transparency, action and
4 results.

5 (b) It will prioritize connections to bridge gaps between services, agencies,
6 and in communities to bring the right people together for real solutions.

7 (c) It will develop every employee by ensuring they have the tools and
8 support required to reach their highest potential.

9 C.(1) The Department of Children and Family Services shall be composed
10 of the executive office of ~~children and family services~~, the secretary, office of
11 management and finance, office of child welfare, office of child support, and such
12 other offices as shall be created by law.

13 * * *

14 §472. Officers of the department; compensation for one office only

15 A. The officers of the department shall be the secretary, the deputy secretary,
16 the undersecretary, ~~the assistant secretary of child welfare, and the assistant secretary~~
17 ~~of family support, secretaries,~~ each of whom shall be selected and shall perform
18 functions as provided in this Title.

19 * * *

20 §475.1. Undersecretary; functions; division office of management and finance

21 * * *

B. The undersecretary shall direct and be responsible for the functions of the ~~division office~~ of management and finance, within the office of children and family ~~services~~ finance, within the Department of Children and Family Services. In such capacity, he shall be responsible for accounting and budget control, procurement and contract management, data processing, personnel management, grants management, and facility construction and consulting services for the department and all of its offices, including all agencies transferred to the Department of Children and Family Services, except as otherwise specifically provided in this Title. The undersecretary

1 shall exercise all powers and authority granted to him in this Title subject to the
2 overall direction and control of the secretary.

3 C. The duties and functions of the ~~division~~ office of management and finance
4 ~~finance, within the office of children and family services~~ and of the undersecretary
5 shall be as provided in this Section and these duties and functions shall not be subject
6 to change by the secretary, except that the undersecretary shall perform such
7 additional duties and functions as are assigned by the secretary.

8 * * *

9 §476. Assistant secretaries

10 A. ~~There shall be an assistant secretary of child welfare and an assistant~~
11 ~~secretary of family support, who shall be appointed by the governor with consent of~~
12 ~~the Senate and who shall serve at the pleasure of the governor at a salary fixed by the~~
13 ~~governor, which salary shall not exceed the amount approved for such position by~~
14 ~~the legislature while in session. Each office within the Department of Children and~~
15 ~~Family Services, except the executive office of the secretary and the office of~~
16 ~~management and finance, shall be under the immediate supervision and direction of~~
17 ~~an assistant secretary who shall be appointed by the governor with the consent of the~~
18 ~~Senate. Each shall serve at the pleasure of the governor and shall be paid a salary~~
19 ~~which shall be fixed by the governor, which salary shall not exceed the amount~~
20 ~~approved for such a position by the legislature while in session.~~

21 B. ~~The assistant secretary of child welfare shall manage the division of child~~
22 ~~welfare and perform the duties and functions of the division related to program~~
23 ~~development and administration, program service delivery, and development of rules~~
24 ~~and policy to govern the various programs of the division. Except as otherwise~~
25 ~~expressly provided in this Title, the duties and functions of each office and its~~
26 ~~assistant secretary shall be determined by the secretary, and all such duties and~~
27 ~~functions shall be exercised under the direct supervision and control of the secretary.~~

28 C. ~~The assistant secretary of family support shall manage the division of~~
29 ~~family support and perform the duties and functions of the division related to~~

1 ~~program development and administration, program service delivery, and~~
2 ~~development of rules and policy to govern the various programs of the division.~~
3 Except as otherwise provided in R.S. 36:801, each assistant secretary shall employ,
4 appoint, remove, assign, and promote such personnel as is necessary for the efficient
5 administration of his office and its programs and the performance of its powers,
6 duties, functions, and responsibilities in accordance with applicable civil service
7 laws, rules, and regulations and with regard to policies and rules of the department,
8 all subject to budgetary control and applicable laws.

9 §477. ~~Office~~ Offices; purposes and functions

10 A. The purposes for which the ~~office of children and family services of the~~
11 Department of Children and Family Services is created shall be set forth in this
12 Section.

13 B.(1) ~~The office of children and family services shall perform the services~~
14 ~~of the state relating to public assistance programs to provide aid to dependent~~
15 ~~children and to adults, who due to age, disability, or infirmity, are unable to~~
16 ~~adequately meet their basic needs. It shall also administer the food stamp program~~
17 ~~or its successor, child support programs, establishment of paternity programs,~~
18 ~~disaster relief grant programs for individuals and families, and such other programs~~
19 ~~as assigned by the secretary. It shall also conduct disability and other client~~
20 ~~eligibility determinations, and may conduct medical assistance client eligibility~~
21 ~~determinations. The office is authorized to enter into interagency agreements with~~
22 ~~other state agencies to conduct eligibility determinations. The office shall provide~~
23 ~~for the public child welfare functions of the state including but not limited to~~
24 ~~prevention services that promote, facilitate, and support activities to prevent child~~
25 ~~abuse and neglect, child protective services, voluntary family strengthening and~~
26 ~~support services, making permanent plans for foster children and meeting their daily~~
27 ~~maintenance needs of food, shelter, clothing, necessary physical medical services,~~
28 ~~school supplies, and incidental personal needs; and adoption placement services for~~
29 ~~foster children freed for adoption. It shall also perform the functions of the state~~

1 ~~relating to the licensing of facilities regulated under Chapter 14 of Title 46 of the~~
2 ~~Louisiana Revised Statutes of 1950. The office shall issue and monitor domestic~~
3 ~~violence services contracts. The executive office of the secretary shall provide for~~
4 ~~the general oversight and supervision of the department. The executive office of the~~
5 ~~secretary includes a bureau of audit, bureau of general counsel, and a bureau of~~
6 ~~communications and governmental affairs.~~

7 C. The office of child welfare shall provide for the public child welfare
8 functions of the state including but not limited to centralized intake; child protective
9 services; human trafficking programs; making permanent plans for foster children
10 and meeting their daily maintenance needs for food, shelter, clothing, necessary
11 physical medical services, school supplies, and incidental personal needs; adoption
12 placement services for foster children freed for adoption; prevention services that
13 promote, facilitate, and support activities to prevent child abuse and neglect,
14 including but not limited to voluntary family strengthening and support services; and
15 such other programs as assigned by the secretary. The office shall also issue and
16 monitor domestic violence services contracts.

17 D. The office of child support shall provide for the administration of child
18 support programs pursuant to Title IV-D of the Social Security Act, including but not
19 limited to enforcing, collecting, and distributing support obligations; establishing
20 paternity; obtaining and modifying child and medical support orders; and such other
21 programs as assigned by the secretary.

22 Section 11. R.S. 40:34.5(E), 46.12(D) and (F), and 1061.14(B)(3)(b)(i) are hereby
23 amended and reenacted to read as follows:

24 §34.5. Original birth certificate; required contents; name of father

25 * * *

26 E. Nothing in this Section shall preclude the Department of Children and
27 Family Services, office of ~~children and family services~~, child support ~~enforcement~~
28 ~~section~~ from obtaining an admission of paternity from the biological father for
29 submission in a judicial proceeding, or prohibit the issuance of an order in a judicial

1 proceeding which bases a legal finding of paternity on an admission of paternity by
2 the biological father and on any other additional showing required by state law.

3 * * *

4 §46.12. Hospital-based paternity program

5 * * *

6 D. Hospital personnel shall forward an acknowledgment of paternity to the
7 state registrar who shall forward copies of same to the Department of Children and
8 Family Services, office of ~~children and family services~~, child support ~~enforcement~~
9 ~~section~~. A statewide database shall be maintained by the Department of Children
10 and Family Services in accordance with federal regulations.

11 * * *

12 F. The Department of Children and Family Services, office of ~~children and~~
13 ~~family services~~, child support ~~enforcement section~~ shall provide to all birthing
14 hospitals in the state:

15 * * *

16 §1061.14. Minors

17 * * *

18 B. The following provisions shall apply to all applications for court orders
19 by minors seeking abortions and appeals from denials of applications:

20 * * *

21 (3)

22 * * *

23 (b)(i) Prior to such ex parte hearing, the court may require the minor to
24 participate in an evaluation and counseling session with a mental health professional
25 from the Louisiana Department of Health, office of behavioral health, or a staff
26 member from the Department of Children and Family Services, office of ~~children~~
27 ~~and family services~~, child welfare, or both. The court may refer the petitioner, if
28 necessary, to the appropriate Louisiana Department of Health, office of behavioral
29 health regional office to arrange the evaluation and counseling session within the

four-day period prior to the ex parte hearing, as provided in this Paragraph. This referral may be made by the clerk upon the minor's filing the application when the court has issued a standing order authorizing same and the circumstances fit the criteria of the standing order therefor.

* * *

Section 12. R.S. 43:111(A)(8) is hereby amended and reenacted to read as follows:

§111. Advertising; when prohibited and when authorized

A. The state, or any department, officer, board, or commission shall not expend any public funds for advertising in any newspaper, book, pamphlet, periodical, or radio and television stations except as follows:

* * *

(8) Advertising by the ~~office of children and family services in the~~ Department of Children and Family Services for the recruitment of foster or adoptive parents.

* * *

Section 13. R.S. 44:38 is hereby amended and reenacted to read as follows:

§38. Access to records involved in legislative studies

Notwithstanding any other law to the contrary, the custodian of records of the Department of Children and Family Services ~~Services, office of children and family services~~, and the custodian of records of each juvenile court or any court which hears and decides juvenile matters shall grant access to a percentage, as specified by the legislative committee, of the total records of defined classes of children in state custody or in foster care to any committee of the legislature acting pursuant to an appropriate legislative instrument directing the committee to study procedures or outcomes of cases involving children in state custody or in foster care. The size of the specific group to be studied shall be large enough to preserve the anonymity of individual children. Such access shall be limited to that purpose, and all information regarding names or other identifiers shall be removed. Information pertaining to

1 children who have been adopted shall be strictly confidential and shall be released
2 only in accordance with existing laws.

3 Section 14. R.S. 46:51(introductory paragraph), 51.3, 236.1.1(3), 114(A), (B),
4 (C)(1)(introductory paragraph) and (2), (D), and (E)(3), 114.2, 233.1(C)(introductory
5 paragraph) and (D)(introductory paragraph), 236.1.4(E), 236.1.8(D), 236.3(A)(2),
6 236.10(A), 236.11(C), 236.12(B)(1), 236.14(D)(1)(introductory paragraph), 236.15(A)(1),
7 236.16, 238(B), (C), (D), (E)(introductory paragraph) and (7), and (F), 281, 443, 1002(A),
8 (B)(introductory paragraph), and (C), and 2136.2(F) are hereby amended and reenacted to
9 read as follows:

10 §51. Duties of the department

11 The Department of Children and Family Services, through its secretary, shall
12 administer ~~the public assistance and~~ welfare laws of the state as follows:

13 * * *

14 §51.3. Criminal history information; access to federal tax information

15 The Department of Children and Family Services ~~Services, office of child~~
16 ~~support enforcement and family support~~, is authorized to perform criminal history
17 records checks of current and prospective employees, contractors, and subcontractors
18 in accordance with the procedures provided in R.S. 15:587.5. Pursuant to this
19 authorization and to implement the requirements of R.S. 15:587.5, the secretary shall
20 promulgate rules and regulations with regard to this matter.

21 * * *

22 §114. Fraud in obtaining assistance; withholding information concerning property,
23 income, or beneficiary, or personal circumstances

24 A. No person shall obtain or attempt to obtain assistance from ~~the~~
25 ~~Department of Children and Family Services or~~ the Louisiana Department of Health
26 by means of any false statement, misrepresentation, or other fraudulent device. If
27 during the life, or upon the death, of any person who is receiving or has received
28 assistance it is found that the recipient is receiving or has received assistance through
29 misrepresentation, nondisclosure of material facts, or other fraudulent device, the

1 amount of assistance, without interest, shall be recoverable from him or his estate as
2 a debt due the state by court action.

3 B. If at any time during the continuance of public assistance to any person,
4 the recipient thereof, or the husband or wife of the recipient with whom he or she is
5 living, is possessed or becomes possessed of any property or income in excess of the
6 amount declared at the time of application or reinvestigation of his case and in such
7 amount as would affect his needs or right to receive assistance, it shall be the duty
8 of the recipient, or the husband or wife of the recipient, to notify ~~the Department of~~
9 ~~Children and Family Services~~ or the Louisiana Department of Health of possession
10 of such property or income, and the department shall, after investigation, either
11 cancel the assistance or alter the amount thereof in accordance with the
12 circumstances, provided, that such investigation shows that such property or income
13 does affect the need of the recipient or his right to receive assistance. If during the
14 life, or upon the death, of any person who is receiving or has received assistance it
15 is found that the recipient or his spouse was possessed of any property or income in
16 excess of the amount reported that would affect his need or right to receive
17 assistance, any assistance paid when the recipient or his spouse was in possession of
18 such undeclared property or income shall be recoverable, without interest, from him
19 or his estate as a debt due the state by court action. The possession of undeclared
20 property by a recipient or his spouse with whom he is living shall be prima facie
21 evidence of its ownership during the time assistance was granted, and the burden to
22 prove otherwise shall be upon the recipient or his legal representative.

23 C.(1) If the personal circumstances of the recipient change at any time during
24 the continuance of assistance, he shall immediately notify ~~the Department of~~
25 ~~Children and Family Services~~ or the Louisiana Department of Health of the change.

26 Personal circumstances shall include:

27 * * *

28 (2) If during the life, or upon the death, of any person who is receiving
29 assistance it is found that the recipient has received or is receiving assistance of a

1 greater amount than he is entitled to receive as a result of his failure to notify ~~the~~
2 ~~Department of Children and Family Services or~~ the Louisiana Department of Health
3 of a change of personal circumstances as set forth in this Subsection, any assistance
4 paid during the time that the recipient was receiving assistance of a greater amount
5 than he was entitled to receive as a result of his failure to notify the department shall
6 be recoverable, with legal interest, from him or his estate as a debt due the state by
7 court action.

8 D. The federal government shall be entitled to share in any amount recovered
9 under the provisions of this Section; however, the amount recovered by the federal
10 government shall not exceed the amount contributed by the federal government in
11 each case. The amount due the United States shall be promptly paid or credited upon
12 collection to the designated agency of the federal government by ~~the Department of~~
13 ~~Children and Family Services or~~ the Louisiana Department of Health.

14 E.

15 * * *

16 (3) Persons receiving medical assistance under provisions of Title XIX of the
17 Social Security Act who have been determined by ~~the Department of Children and~~
18 ~~Family Services or~~ the Louisiana Department of Health to have fraudulently obtained
19 such medical assistance may be suspended from the medical assistance program for
20 twelve months.

21 * * *

22 §114.2. Attempting or aiding to obtain assistance fraudulently; penalties

23 Any person who obtains or attempts to obtain or aids and abets anyone to
24 obtain assistance from ~~the Department of Children and Family Services or~~ the
25 Louisiana Department of Health by means of any false statement, misrepresentation,
26 or other fraudulent device or violates the provisions of R.S. 46:114 shall be guilty of
27 theft as provided by R.S. 14:67.

28 * * *

§233.1. Recovery of overpayments

* * *

C. The ~~department~~ Department of Children and Family Services shall promptly take all necessary steps to correct any overpayment, including collection, or underpayment of child support to individuals to whom the department is providing services pursuant to R.S. 46:236.1.1 et seq., and, in the case of:

* * *

D. The ~~department~~ Department of Education will promptly take all necessary steps to correct any overpayment, including collection, or underpayment of child care assistance provided under the Child Care and Development Block Grant and in the case of:

* * *

§236.1.1. Family and child support programs; definitions

For the purposes of this Subpart, the following items shall mean:

* * *

(3) "CSE administrator" means the program executive director of the office of child support, ~~support enforcement section, division of family support, office of children and family services,~~ Department of Children and Family Services.

* * *

§236.1.4. Family and child support programs; financial institution duties; responsibilities

* * *

E. The office of ~~children and family services~~, child support ~~enforcement section~~, which obtains data match information on an individual from a financial institution pursuant to this Subpart may disclose such data match information only for the purpose of, and to the extent necessary in, establishing, modifying, or enforcing a child support obligation of such individual.

* * *

1 §236.1.8. Family and child support programs; additional authorized employee
2 actions

3 * * *

4 D. The support services authorized by this Subpart shall be provided by the
5 office of ~~children and family services, child support enforcement section.~~ child
6 support. Field officers responsible for supplying these services shall be designated
7 by the secretary. Such officers shall have the power and authority to make arrests,
8 supervise the probation of offenders, serve notices, orders, subpoenas, summonses,
9 citations, motions, and writs, and to execute all warrants and orders and to perform
10 any other duties incident to their office. All such officers are hereby authorized to
11 carry weapons and arms, concealed or openly, while in the actual performance of any
12 duty or while under assignment to any duty, but under no circumstances shall
13 officers be authorized to carry weapons unless they have been trained in the proper
14 carrying and use of firearms by a recognized firearm training program.

15 * * *

16 §236.3. Enforcement of support by income assignment

17 A. For purposes of this Section, the following words have the meaning
18 ascribed to them by this Section unless the context clearly indicates a different
19 meaning:

20 * * *

21 (2) "Department" means the Department of Children and Family Services,
22 office of ~~children and family services, child support enforcement section.~~ child
23 support.

24 * * *

25 §236.10. State case registry of child support orders

26 A. The secretary of the Department of Children and Family Services shall
27 create an automated state case registry of child support orders within the office of
28 ~~children and family services, child support enforcement section.~~ child support.

29 * * *

1 §236.11. Louisiana disbursement unit for child support payments

2 * * *

3 C. The Department of Children and Family ~~Services support enforcement~~
4 ~~program, Services, office of children and family services, child support~~ shall
5 administer the state disbursement unit. The support enforcement program may
6 contract for the provision of these services in accordance with the applicable
7 provisions of Chapter 17 of Subtitle III of Title 39 of the Louisiana Revised Statutes
8 of 1950 and the Louisiana Procurement Code.

9 * * *

10 §236.12. Plan for parental participation of support; required work activities

11 * * *

12 B. For purposes of this Section:

13 (1) "Department" means the office of child support, ~~child support~~
14 ~~enforcement section, office of children and family services, Department of Children~~
15 ~~and Family Services.~~

16 * * *

17 §236.14. Employer reporting program

18 * * *

19 D.(1) An employer shall report to the Department of Children and Family
20 Services, office of ~~children and family services, child support enforcement section~~
21 any of the following:

22 * * *

23 §236.15. Limited administrative authority for certain paternity and child support
24 actions

25 A.

26 * * *

27 (1) In cases in which the Department of Children and Family Services, office
28 of ~~children and family services, child support enforcement section, child support,~~

1 referred to in this Section as "agency", is providing services, the agency may, in
2 cases in which paternity is at issue, order all parties to submit to genetic testing.

3 * * *

4 §236.16. Child support mortgage and privilege by affidavit; effect of filing

5 A. The program executive director of the office of child support, ~~child~~
6 ~~support enforcement section, office of children and family services~~, Department of
7 Children and Family Services may cause a "Child Support Mortgage and Privilege
8 by Affidavit of DCFS", as provided in R.S. 13:4291(B), to be recorded in the
9 mortgage records of any parish in which the support obligor owns movable or
10 immovable property, and with the office of the secretary of state for inclusion in the
11 master index authorized under R.S. 10:9-519. Such affidavit when filed shall operate
12 as a first lien, privilege, and legal mortgage on all of the movable and immovable
13 property of the support obligor only from the date of such filing, and shall not affect
14 liens, privileges, chattel mortgages, or security interests as provided in R.S. 10:9-101
15 et seq. or mortgages already affecting or burdening such property at the date of such
16 filing. Such filing shall apply to all unpaid support obligations that may accrue after
17 such filing, and the property of the support obligor shall be subject to seizure and
18 sale for the payment of such support obligation and arrearages according to the
19 preference and rank of the lien, privilege, security interest, and mortgage securing
20 their payment. Notwithstanding any provision of this Subsection, such affidavit shall
21 not operate as a lien, privilege, or legal mortgage on any licensed or titled motor
22 vehicle.

23 B. The program executive director of the office of child support, ~~child~~
24 ~~support enforcement section, office of children and family services~~, Department of
25 Children and Family Services, or his designee, may release all or any portion of the
26 property subject to any lien or judgment obtained pursuant to this Section from such
27 lien or judgment, or may subordinate such lien or judgment to other liens and
28 encumbrances if he determines that the support obligation and arrearages are
29 sufficiently secured by a lien or judgment on other property or through other

1 security, or that the release, partial release, or subordination of such lien or judgment
2 will not endanger or jeopardize the collection of support obligations or arrearages.

3 * * *

4 §238. Unpaid child support, release of information

5 * * *

6 B. The Department of Children and Family Services, office of ~~children and~~
7 ~~family services~~, child support, may participate in cooperative endeavors with private
8 attorneys to release information authorized by this Section for the purpose of
9 collecting unpaid child support in accordance with the provisions of this Section.

10 C. When a private attorney retained by the obligee receives a certification
11 from the office of ~~children and family services~~ child support that an obligor is in
12 arrears in the payment of child support for more than six months or whose
13 whereabouts have been unknown for more than six months, the private attorney
14 retained by the obligee may apply to the district court for the parish where the order
15 is being enforced for an ex parte order on a motion to determine that the obligor is
16 in arrears or is an absentee.

17 D. If the court finds that the obligor is in arrears for more than six months
18 or whose whereabouts have been unknown for more than six months, the court may
19 authorize the office of ~~children and family services~~ child support to enter into
20 cooperative endeavors with a private attorney who has been retained by the obligee
21 for the purpose of collecting the unpaid child support in the obligee's case.

22 E. Pursuant to a cooperative endeavor authorized by the provisions of this
23 Section and to the extent allowed by state and federal laws and regulations, the office
24 of ~~children and family services~~ child support shall provide to a private attorney who
25 has been retained by the obligee for the purpose of collecting unpaid child support
26 all of the following information that it may have regarding the obligor:

27 * * *

1 (7) Any other information which the office of ~~children and family services~~
2 child support reasonably believes will assist in the collection of child support.

3 * * *

4 F. Nothing in this Section shall authorize the Department of Children and
5 Family Services or the office of child support ~~enforcement section~~ to contract for
6 hire with any private attorney or entity for the collection of child support or the
7 provision of IV-D services.

8 * * *

9 §281. Applicability

10 The provisions of this Subpart shall apply to persons who contract with ~~the~~
11 ~~office of children and family services~~ of the Department of Children and Family
12 Services to provide temporary or long-term foster care for not more than six
13 children.

14 * * *

15 §443. Exemption of income and resources

16 The secretary of the ~~Department of Children and Family Services and the~~
17 ~~secretary of the~~ Louisiana Department of Health ~~are~~ is hereby authorized to adopt
18 income and resources exemption policies to the extent necessary to conform with the
19 federal Economic Opportunity Act, any social security provision, and any other laws
20 of congress to obtain federal block grant or matching funds for the state's public
21 assistance program. Such income and resources exemption policies shall prevail in
22 the event they conflict with R.S. 46:151, 153, 154, and 233.

23 * * *

24 §1002. Vocational testing and counseling; purpose; duties of the office of ~~children~~
25 ~~and family services~~ child welfare

26 A. The Department of Children and Family Services, office of ~~children and~~
27 ~~family services~~, child welfare, shall provide, in each of its regional offices,
28 vocational testing and counseling on the subjects of higher education and
29 employment for those individuals in long-term foster care at the youngest age
30 deemed appropriate to process the information.

1 B. Through vocational testing, the office of ~~children and family services~~
2 child welfare shall seek to identify areas of potential interest and potential
3 employment that are specific to an individual in foster care and, to this end, the
4 office shall:

5 * * *

6 C. The office of ~~children and family services~~ child welfare shall adopt all
7 necessary rules and regulations to carry out the provisions of this Chapter.

8 * * *

9 §2136.2. Louisiana Protective Order Registry

10 * * *

11 F. The judicial administrator's office shall make the Louisiana Protective
12 Order Registry available to state and local law enforcement agencies; district
13 attorney offices; the Department of Children and Family Services, office of ~~children~~
14 ~~and family services~~, ~~child support enforcement section~~, child support; the Louisiana
15 Department of Health; bureau of protective services; the office of elderly affairs;
16 elderly protective services; the office of the attorney general; and the courts.

17 * * *

18 Section 15. R.S. 47:299.11(1), 299.41(B), 463.112(C), and 9027(C)(10)(introductory
19 paragraph) and (c) are hereby amended and reenacted to read as follows:

20 §299.11. Ranking and priority of claims

21 If two or more agencies file offset claims with the secretary against an
22 individual's refund, the secretary shall remit the refund to the claimants if sufficient
23 funds exist in the following order with the first offset claim to be paid being
24 completely satisfied before a second or subsequent offset claim is paid:

25 (1) Claims of ~~the division of support enforcement~~ of the office of ~~children~~
26 ~~and family services~~ child support, of the Department of Children and Family
27 Services.

28 * * *

1 §299.41. Ranking and priority of claims

2 * * *

3 B. If additional offset claims are filed with the secretary against an
4 individual's refund, the secretary shall rank the claims for child support in the same
5 priority as claims filed by the ~~division of support enforcement of the office of~~
6 ~~children and family services~~ office of child support, of the Department of Children
7 and Family Services pursuant to R.S. 47:299.11(1).

8 * * *

9 §463.112. Special prestige license plates; foster and adoptive parenting

10 * * *

11 C. The department shall collect an annual fee of twenty-five dollars for this
12 special prestige license plate, which shall be dedicated to the Department of Children
13 and Family Services ~~Services, office of children and family services~~, to be used
14 solely for foster and adoptive parent recruitment activities. This fee shall be in
15 addition to the regular motor vehicle license fee provided in R.S. 47:463, and a
16 handling fee of three dollars and fifty cents to be retained by the department to offset
17 a portion of administrative costs.

18 * * *

19 §9027. Assignment of deferred lottery annuity prizes

20 * * *

21 C. On the filing by the assignor or the assignee in the Nineteenth Judicial
22 District Court of East Baton Rouge Parish of a petition seeking approval of a
23 voluntary assignment, the court shall issue an order approving a voluntary
24 assignment and directing the corporation to make prize payments as a whole or in
25 part to the assignee if the court finds all of the following:

26 * * *

27 (10) The petition required by this Subsection, shall be accompanied by a
28 certification from a representative of the Department of Children and Family

1 Services, office of ~~children and family services~~, child support, stating any of the
2 following:

3 * * *

4 (c) That the assignor or assignee does currently have a child support
5 arrearage, or the assignor or assignee does owe an obligation to repay any public
6 assistance benefits or an overpayment of child support benefits to the Department of
7 Children and Family Services. The certification from the Department of Children
8 and Family Services, office of ~~children and family services~~, shall be provided to the
9 assignor and the assignee promptly upon the request of the assignor or the assignee,
10 and in no event more than ten business days after said request is received by the
11 Department of Children and Family Services, office of ~~children and family services~~.
12 child support.

13 * * *

14 Section 16. R.S. 51:1442(4) is hereby amended and reenacted to read as follows:

15 §1442. Definitions

16 As used in this Chapter, the following words and phrases shall have the
17 following meanings:

18 * * *

19 (4) "Department" means the Department of Children and Family Services,
20 office of ~~children and family services~~, ~~child support enforcement section~~. child
21 support.

22 * * *

23 Section 17. R.S. 36:474(A)(11) and (G) and 477(B)(2) and R.S. 46:51(2) and (14)
24 and 233.1(A) and (B) are hereby repealed in their entirety.

25 Section 18. This Act shall become effective on July 1, 2027.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 617 Reengrossed

2025 Regular Session

Carver

Abstract: Reorganizes the Department of Children and Family Services (DCFS).

Present law provides that within DCFS each organizational unit which reports to the secretary, which is not an agency and not within the division of management and finance, the division of child welfare, or the division of family support, shall be in the executive division and shall be designated as bureau, section, or unit.

Proposed law repeals present law.

Present law provides that DCFS shall be composed of the executive office of children and family services, and such other offices as shall be created by law.

Proposed law modifies present law by providing that DCFS shall be composed of the executive office of the secretary, office of management and finance, office of child welfare, office of child support, and other offices as shall be created by law.

Proposed law provides that there shall be an assistant secretary of child welfare and an assistant secretary of child support and that each assistant secretary shall employ staff as necessary for the efficient administration of its office and programs.

Present law provides that the office of children and family services shall administer services related to public assistance programs including food stamps, child support, and disability determinations and administer public child welfare programs including programs to prevent child abuse, establish child protective services, and facilitate adoption.

Proposed law repeals present law and provides that DCFS shall be organized into the following offices:

- (1) The executive office of the secretary which shall provide for the general oversight and supervision of DCFS.
- (2) The office of child welfare which shall provide for child protective services, human trafficking programs, foster children and adoption placement services, and prevention of child abuse and neglect.
- (3) The office of child support which shall provide for the administration of child support programs.

Proposed law makes corresponding technical corrections in relevant statutory provisions.

Present law directs DCFS to prepare and submit a state plan for participation in the Child Care and Development Block Grant Program until such authority is transferred to the state Dept. of Education in accordance with present law (R.S. 17:407.28), and in the Title IV-A federal program to assist families at risk of welfare dependency.

Proposed law repeals present law.

Present law directs DCFS to submit a proposal for reform of the food stamp program.

Proposed law repeals present law.

Present law tasks DCFS with administering and supervising all forms of public assistance.

Proposed law repeals present law.

Present law directs DCFS to construct and operate state-supported detention facilities.

Proposed law repeals present law.

(Amends Ch. C. Arts. 509(B)(1), 512(B)(1), 522(A)(2), 1269.3(F), 1270(B), (E), and (F), 1271(A), 1273, 1283.2(H), 1285.2(H), and 1519, C.E. Art. 902(10), R.S. 6:333(F)(14), R.S. 9:315.16(A), 315.40(1) and (3), 399.1(A) and (F)(3) and (4), and 406(B)(2) and (C)(2), R.S. 11:441.1(F), R.S. 13:998(B) and (E)(1) and (3), 1141(B) and (E)(1) and (3), 1414(B) and (E)(1) and (3), 4291(B)(1), and 5108.2, R.S. 15:587(A)(2)(a) and (b), 587.1(I), and 587.5(A)(4), R.S. 17:192.1(A)(1)(a) and (3), R.S. 23:1605(A)(4), R.S. 36:3(7), 8(E)(2)(d), 9(C), 471(B) and (C)(1), 472(A), 475.1(B) and (C), 476, and 477, R.S. 40:34.5(E), 46.12(D) and (F), and 1061.14(B)(3)(b)(i), R.S. 43:111(A)(8) R.S. 44:38, R.S. 46:51(intro. para.), 51.3, 114(A), (B), (C)(1)(intro. para.) and (2), (D), and (E)(3), 233.1(C)(intro. para.) and (D)(intro. para.), 236.1.1(3), 236.1.4(E), 236.1.8(D), 236.3(A)(2), 236.10(A), 236.11(C), 236.12(B)(1), 236.14(D)(1)(intro. para.), 236.15(A)(1), 236.16, 238(B), (C), (D), (E)(intro. para.) and (7), and (F), 281, 443, 1002(A), (B)(intro. para.), and (C), and 2136.2(F), R.S. 47:299.11(1), 299.41(B), 463.112(C), and 9027(C)(10)(intro. para.) and (c), and R.S. 51:1442(4); Repeals R.S. 36:474(A)(11) and (G) and 477(B)(2) and R.S. 46:51(2) and (14) and 233.1(A) and (B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Make technical changes.
2. Provide for duties of the offices within the department.
3. Remove a SNAP benefit provision from proposed law.
4. Add additional purpose language.
5. Add reference to Title IV-D of the Social Security Act in provisions relative to certain child support programs.
6. Add language regarding child and medical support orders.
7. Provide that the Dept. of Education will take necessary steps to correct overpayments and underpayments of child care assistance instead of DCFS.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.