

**SENATE COMMITTEE AMENDMENTS**

2026 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 462 by Senator McMath

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 7 and insert the following:

3 "To amend and reenact Section 27(C) of Act No. 478 of the 2025 Regular Session, R.S.  
4 6:333(F)(14), R.S. 9:58(4), 252(C), 254, 303(A), 311(A)(2) and the introductory  
5 paragraph of 311(C), the introductory paragraph of 311.1(C), 311.1(C)(2), (D), and  
6 (G)(3)(a)(i), 315.16(A) and (B)(9), 315.22.1(C)(2) and (F), 315.24(A) and the  
7 introductory paragraph of 315.24(B), 315.31(5), 315.40(1) and (3), 377.18(B)(2),  
8 396(B)(1), 399.1(A) and (F)(3) and (4), 404, 406(B)(2) and (C)(2), 2720.4(A)(2) and  
9 (C), and 3261.1(B)(6), R.S. 11:441.1(F), R.S. 13:844.1(B), 992.1(A), 998(B) and  
10 (E)(1) and (3), 1000.12(B), 1141(B), the introductory paragraph of 1141(E)(1), and  
11 1141(E)(3), 1414(B), the introductory paragraph of 1414(E)(1), and 1414(E)(3),  
12 3881(A)(1)(a), 3928, 4291(B)(1) and (C), 4521(A)(3) and (4), 5108.2, and 5713(J),  
13 R.S. 14:46.4(B)(1) and (2), 74(D)(2), 91.3(A), 403(A)(2) and (4)(a), and  
14 403.3(A)(1)(b)(i), R.S. 15:305(A)(1), (D), and (E)(1), 440.2(A)(1)(a) and (c),  
15 440.4(A)(5), 440.7(C), 578(E), 587(A)(1)(a) and (2)(a) and (b), 587.1(A)(1) and (I),  
16 587.5(A)(2), 934(A), 951(C)(1), 1081, 1083, 1084(A) and (B), the introductory  
17 paragraph of 1084(C), and 1084(C)(1) and (D), 1085(A) through (C), 1086(A), the  
18 introductory paragraph of 1199.4(D) and 1199.4(D)(3), and 1428(C)(3) and (D), R.S.  
19 17:15(A)(1)(a) and (b)(i)(bb) and (2)(a)(ii) and (vi), (D)(1)(b), (2), and (3), and  
20 (E)(1), 192.1(A)(1)(a) and (3) and (C), 238, 406.9(C), 407.23(B)(4), 407.35(C),  
21 407.42(A)(2) and (B)(1)(b) and (3), 407.71(A)(1) and (2) and (B)(1)(b) and (3),  
22 1687(B) and (C), 1972(1)(d), 1974(A)(7), 3129(D)(2), 3399.18(B)(11), and  
23 3399.21(1), R.S. 22:1023(D)(7), R.S. 23:73(E)(2), 1372, 1605(A)(4), 1801(B)(1) and  
24 2043(A)(3), R.S. 24:525(D)(2) and (F), 933(B)(9), and 936(B)(1), R.S. 27:2(D),  
25 24(A)(5)(b), (c), and (e), and 364(A)(1)(b)(vi), R.S. 28:31, 470(B)(8) and (10), and  
26 621, R.S. 29:766(G)(3), R.S. 30:2351.53(A), R.S. 33:9039.41(D)(1)(e), R.S. 36:3(7),  
27 8.1(C)(8), 9(C), 108(B)(6), the heading of Chapter 6 of Title 36 of the Louisiana  
28 Revised Statutes of 1950, 251(A),(B), and (C)(1), 252(A), 254(A)(12)(b), 255,  
29 408(B)(1), and 704(J) and (K), R.S. 37:1021, 1023(A) and (B), 1024(B)(5),  
30 1025(A)(2), and 1031(B), R.S. 39:33(A)(2), 36(A)(3)(b)(ix)(dd), 100.181(A),  
31 362(F), the introductory paragraph of 1554(N)(1) and 1554(N)(3), and 1590(B)(4),  
32 R.S. 40:31.3(B)(2), 34.5(E), 41(N), 46.12(D) and (F), 79(A)(1) and (C)(2),  
33 600.91(A)(28)(b)(ii)(dd), 1061.14(B)(3)(b)(i), 1061.17(C)(1)(e), 1061.17.1(8),  
34 1061.21(A)(5)(c)(i) and (vi) and (E), and 1086.11, R.S. 43:111(A)(8), R.S. 44:38,  
35 R.S. 46:1(2), (4), and (6), 2(A) and (B), 16, the heading of Chapter 2 of Title 46 of  
36 the Louisiana Revised Statutes of 1950, the heading of Part I of Chapter 2 of Title  
37 46 of the Louisiana Revised Statutes of 1950, 51.3, 52.1(A), 54, 56(A), (B)(1) and  
38 (3), and (F)(4)(b), the introductory paragraph of 56(F)(9) and 56(F)(9)(h), 59, 60,  
39 107(A)(1) and (2), 114(A) and (B), the introductory paragraph of 114(C)(1),  
40 114(C)(2), (D), and (E)(1), 114.2, 114.3(A) and (B), 116, 123(A)(2)(a)(vi), 230.1(A)  
41 and (B), 231(11) and (24), 231.4(A) and (D), 232(A), the introductory paragraph of  
42 233.1(C), the introductory paragraph of 233.1(D), 236, 236.1.1(3), (5), and (16),  
43 236.1.4(C) and (E), 236.1.7(B), 236.1.8(D), 236.1.9(B), 236.1.12(C) and (F)(2),  
44 236.3(A)(2) and (G), the introductory paragraph of 236.5(A), 236.6(A)(1), (C), (E),  
45 and (G), 236.7(A)(1), (B)(1), and (F), 236.8(A) and (G)(5) and (6), 236.9(B), (G),  
46 and (K), 236.10(A), (D), and (E), 236.11(A), (B)(2), and (C), 236.12(B)(1),  
47 236.13(A), 236.14(C), the introductory paragraph of 236.14(D)(1), the introductory  
48 paragraph of 236.14(D)(2), (E)(2)(b), (G)(1) and (2), and (J), 236.15(A)(1), 236.16,  
49 237(A), (C)(5), and (E) through (G), 238(B) through (D), the introductory paragraph  
50 of 238(E), 238(E)(7) and (F) through (H), 281, 282(A) through (C), 283(A), (B), and  
51 (C)(1)(b), the introductory paragraph of 285(A), 285(B), (C), (E), (H), and (I), 286,  
52 286.1(A), (B), (C)(1) and (3), the introductory paragraph of 286.1(D), 286.1(D)(2),  
53 (E)(2), (F), (G), and (J), the introductory paragraph of 286.2(A) and 286.2(B),

1 286.12, the introductory paragraph of 286.13 and 286.13(3), 286.16(B), 288.2(1) and  
2 (2), 352(1)(a), 356, 401, 441, 443, 444, 447, 447.3, 448, the introductory paragraph  
3 of 450(A), 450.1(A), 460.1, 460.5(A), 460.7(A) and (C), 460.8(A)(1) and (B),  
4 460.10, 932(12), 972.1(A)(1), 1002(A), the introductory paragraph of 1002(B) and  
5 1002(C), 1251(B), 1259(B), 1352(1) and (2), 1353(D) and (G), 1402, 1403(3),  
6 1404(B), 1414.1(A), 1425(C), the introductory paragraph of 1427, 1428(B) through  
7 (D), 1430(A)(1) and (D)(2), 1442.1(2) and (3), 1442.2(A) and (C), 1445.3(1) and (3),  
8 1445.4, 1445.13(A), 1451(1) and (3), 1844(W)(1)(a), (3), and (5)(a) and (c), 1906.2,  
9 2122, 2136.2(F), 2145(A), 2147(D), 2148(B)(1), the introductory paragraph of  
10 2161(A), 2161(B), and (C), the introductory paragraph of 2161.1(A) and 2161.1(C),  
11 2169.1(9), 2402(4), 2404(B)(1)(b), 2406(G), 2411(2), 2552, 2553, 2605(B)(11),  
12 2605.1(B)(2) and (3), 2607(C)(1)(f), and 2758.2(A), R.S. 47:299.5(B)(2), the  
13 introductory paragraph of 299.11 and 299.11(1) and (4), 299.41(B), 305.7(C)(2),  
14 305.38, 463.112(C), 1508(B)(23), 1676(4)(d), 1677(F)(5), 6003(C)(4)(i),  
15 6028(B)(2)(d)(ix), 6042(E)(2) and (F)(3) and (4), 6102(2), 6105(A), and  
16 9027(C)(10), R.S. 49:121(E), 149.23, the introductory paragraph of 992(D)(2)(b) and  
17 992(D)(2)(b)(iii)(bb) and (9), 1212(B)(5), 1512(B), and 1513(1) and (4), the  
18 introductory paragraph of R.S. 51:1045.2(A), 1045.3(A), 1057(A) and (C)(1) and  
19 1442(4), Code of Civil Procedure Art. 10(A)(1), 683(D), 732(D), 2785(5), 3601(B),  
20 3603(C), and 4521(A)(3), Code of Evidence Art. 902(10), Children's Code Art.  
21 308(A), 311(B)(1)(b), 323(2), 324(A)(1) and (3), 328.1(C), 405(G), 412(D)(2),  
22 436(3)(a), 441(A)(3), 512(B)(1), 522(A)(2), 523(D)(2), 544(A)(1), 581(A)(1),  
23 603(1), (2), (11), (13), (17)(o), and (18), 603.1(B), 608(A)(1), 609(A)(3)(a), 610,  
24 612(G), 615(E)(1) and (2), 631(A), the heading of Children's Code Art. 645,  
25 672(A)(1), 672.2(C), the introductory paragraph of 672.3(A), 672.3(A)(5), (B), (D),  
26 and (E), 725, 725.1(1), 725.4, the heading of Children's Code Art. 725.5, the  
27 introductory paragraph of 730, 731(C)(5), 745(C), 749(A)(5), 767.1(C), 791.3(B),  
28 811.1(F) and (G), 822(B), 1003(2) and (6), 1036.2(E), 1103(1) and (4), 1109, 1117,  
29 1122(B)(9) and (11), (F), and (G), 1127.1(D), 1150(1), 1152(C)(3), 1169(1) and (4),  
30 1180(C), 1182, 1186(B), the introductory paragraph of 1200(B) and 1200(H),  
31 1201(C), the introductory paragraph of 1223(B) and 1223(H), 1223.1(C), 1269.3(F),  
32 1270(B), 1274, the heading of Chapter 16 of the Children's Code, 1281.3(1) and (4),  
33 1282.5, 1283.2(H), 1283.3(C), 1283.16, 1284.5, 1285.2(H), 1285.3(C), 1285.16,  
34 1301.3, 1303.10(A), 1307.3, the introductory paragraph of 1307.4(A), 1307.5(D),  
35 1307.8(C)(2), 1351(4), 1427(C)(1)(c) and (2), 1515(A)(7) and (B), the introductory  
36 paragraph of 1517(E), 1518(B), 1519, 1567(B), and 1641(A), to enact R.S.  
37 36:254(A)(16), 258(N), and 704(L), and R.S. 46:107(E), and Children's Code Art.  
38 603(33), (34), and (35), 610.1, 610.2, and 610.3, and to repeal Act. No. 384 of the  
39 2013 Regular Session of the Legislature, Sections 1 through 9, 11 through 18, and  
40 19(A) of Act No. 477 of the 2025 Regular Session, Section 13 of Act No. 478 of the  
41 2025 Regular Session, and R.S. 15:587.5(A)(4) and 1199.4(D)(7), R.S.  
42 17:407.51(B)(2), 407.101(C)(1)(ff), and 3138.12(C)(1)(b), R.S.  
43 29:725.6(B)(6)(d)(i)(ff) and 726.5(B)(19), R.S. 36:4(A)(10), 8(E)(2)(d), 8.1(C)(5),  
44 471 through 478, R.S. 39:21.3(E)(2)(f) and (l), R.S. 40:600.151(D)(1)(c) and  
45 1061.17.1(9), R.S. 46:51, 230.1(C), 233.1(A) and (B), 352(2)(b), 353(A)(1)(b), 936,  
46 2146(A)(1)(m), 2166(A)(7), 2168.1(C)(8), 2352(B)(5), 2525(D)(2), 2602(B)(1),  
47 2605.4(C)(1)(e), and 2757, R.S. 49:74(A)(5)(i)(aa)(IX), 191(1)(h),  
48 219.2(B)(1)(a)(iv), 219.5(B)(2), 220.46(B)(14), 966(B)(17), 1053(C)(16), and  
49 1222(B)(6)(b), R.S. 51:1037(D) and 1057(B)(1), and Children's Code Art. 509 and  
50 612, relative to the Department of Children and Family Services; to abolish the  
51 Department of Children and Family Services; to rename and restructure the  
52 Louisiana Department of Health; to transfer child welfare functions to the Louisiana  
53 Department of Health; to transfer child support enforcement functions to the  
54 Department of Justice; to transfer intake and initial response of child abuse and  
55 neglect reports to the office of state police; to change references to the Department  
56 of Children and Family Services to the appropriate agencies for functions that have  
57 been previously transferred; to repeal the creation of the Department of Elderly  
58 Affairs upon abolition of a executive branch department; to provide for an effective  
59 date; and to provide for related matters."

1 AMENDMENT NO. 2

2 On page 1, delete lines 9 through 17, delete pages 2 and 3, and on page 4, delete lines 1  
3 through 15 and insert the following:

4 "Section 1. Section 27(C) of Act No. 478 of the 2025 Regular Session is hereby  
5 amended and reenacted to read as follows:

6 Section 27.

7 \* \* \*

8 (C) Sections 3, 5, 11, ~~13~~, 17, 19, and 21 of this Act shall become effective  
9 October 1, ~~2027~~ 2026.

10 \* \* \*

11 Section 2. R.S. 6:333(F)(14) is hereby amended and reenacted to read as follows:  
12 §333. Disclosure of financial records; reimbursement of costs

13 \* \* \*

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

17 \* \* \*

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

29 \* \* \*

30 Section 3. R.S. 9:58(4), 252(C), 254, 303(A), 311(A)(2) and the introductory  
31 paragraph of 311(C), the introductory paragraph of 311.1(C), 311.1(C)(2), (D), and  
32 (G)(3)(a)(i), 315.16(A) and (B)(9), 315.22.1(C)(2) and (F), 315.24(A) and the introductory  
33 paragraph of 315.24(B), 315.31(5), 315.40(1) and (3), 377.18(B)(2), 396(B)(1), 399.1(A)  
34 and (F)(3) and (4), 404, 406(B)(2) and (C)(2), 2720.4(A)(2) and (C), and 3261.1(B)(6) are  
35 hereby amended and reenacted to read as follows:

36 §58. Definitions

37 For purposes of this Part:

38 \* \* \*

39 (4) "Domestic violence shelter" means a community-based shelter for victims  
40 of domestic violence that is managed by the Louisiana Department of ~~Children and~~  
41 ~~Family Services~~ Health and Human Services.

42 \* \* \*

43 §252. Duplicate records of marriage licenses issued; preservation; filing of duplicate  
44 copy with state division of vital records; penalty for failure to file

45 \* \* \*

46 C. The other copy shall be filed with the division of vital records of the  
47 Louisiana Department of ~~Children and Family Services~~ Health and Human  
48 Services within ten days of the expiration of each month, and the failure, neglect, or  
49 refusal to do so shall be punished by a fine of not less than ten dollars nor more than  
50 fifty dollars.

51 \* \* \*

52 §254. Penalty for failure to file or complete marriage certificate

53 Any person authorized to perform marriages in this state who fails to  
54 complete the forms provided by the Louisiana Department of ~~Children and Family~~  
55 ~~Services~~ Health and Human Services, and specifically fails to fill in the date and  
56 place the ceremony was performed, or neglects or fails to file the two executed  
57 copies with the clerk of court in the parish where the license was issued or, if in  
58 Orleans Parish, with the state office of vital records, within ten days after the date of  
59 the marriage as provided by law, shall be fined not less than twenty dollars for the  
60 first offense, fifty dollars for the second offense, and one hundred dollars for a third

1 offense, and the offender shall be prohibited thereafter from officiating at any  
2 marriage in this state.

3 \* \* \*

4 §303. Income assignment; new orders; deviation

5 A. In all new child support orders after January 1, 1994, that are not being  
6 enforced by the Department of ~~Children and Family Services~~ **Justice**, the court shall  
7 include as part of the order an immediate income assignment unless there is a written  
8 agreement between the parties or the court finds good cause not to require an  
9 immediate income assignment.

10 \* \* \*

11 §311. Modification or suspension of support; material change in circumstances;  
12 periodic review by Department of ~~Children and Family Services~~  
13 **Justice**; medical support

14 A.

15 \* \* \*

16 (2) The Department of ~~Children and Family Services~~ **Justice** shall prepare  
17 and distribute information, forms, and rules for the modification or suspension of  
18 support orders, in accordance with this Subsection, and for proceeding in forma  
19 pauperis. The information provided by the Department of ~~Children and Family~~  
20 ~~Services~~ **Justice** shall specifically include what may constitute a material change in  
21 circumstances. The clerks of court in all parishes shall make this information  
22 available to the public upon request. This information shall also be distributed by the  
23 Department of Public Safety and Corrections or the sheriff of any parish, as  
24 appropriate, to every person incarcerated in every state and parish jail and prison  
25 facility. When the initial support order is entered, either the court or the department,  
26 if providing services, shall provide this information to the parties.

27 \* \* \*

28 C. For purposes of this Section, in cases where the Department of ~~Children~~  
29 ~~and Family Services~~ **Justice** is providing support enforcement services:

30 \* \* \*

31 §311.1. Child support during the obligor's incarceration; Department of ~~Children~~  
32 ~~and Family Services~~ **Justice** providing support enforcement services

33 \* \* \*

34 C. The Department of Public Safety and Corrections or the sheriff of any  
35 parish, as appropriate, shall notify the Department of ~~Children and Family Services~~  
36 **Justice** of any person who has been in their custody and may be subject to a child  
37 support order if either:

38 \* \* \*

39 (2) The person who was the subject of notification under Paragraph (1) of this  
40 Subsection is scheduled to be released from incarceration. The timeframe for such  
41 notification under this Paragraph shall be determined by an interagency agreement  
42 between the Department of ~~Children and Family Services~~ **Justice** and the  
43 Department of Public Safety and Corrections.

44 D. When the Department of ~~Children and Family Services~~ **Justice** is  
45 providing support enforcement services, the department shall, upon receipt of notice  
46 in accordance with Subsection C of this Section, provide notice to the custodial party  
47 by regular mail.

48 \* \* \*

49 G.

50 \* \* \*

51 (3)(a)(i) If the obligor is released from incarceration while the child is a  
52 minor, the Department of ~~Children and Family Services~~ **Justice** or either party shall  
53 petition the court prior to the first day of the second full month after the obligor's  
54 release from incarceration for a modification hearing to establish the terms of the  
55 previously suspended child support order. Unless the terms of the order of support  
56 have been otherwise modified, the suspended order of support shall resume at the  
57 same terms that existed before the suspension.

58 \* \* \*

59 §315.16. Review of guidelines

60 A. The guidelines set forth in this Part shall be reviewed by the legislature not  
61 less than once every four years. A review of the guidelines shall take place in 2012  
62 and every four years thereafter, and it shall be the responsibility of ~~the office of~~

1 ~~children and family services, child support enforcement section~~ of the Department  
2 of ~~Children and Family Services, Justice~~ and the Louisiana District Attorneys  
3 Association, in consultation with the child support review committee provided in  
4 Subsection B of this Section, to obtain all information required to comply with the  
5 provisions of 42 U.S.C. 667(a) and present the same to the legislature sixty days  
6 prior to the beginning of the 2008 Regular Session of the Legislature and every four  
7 years thereafter.

8 B. The child support review committee shall serve without compensation,  
9 except for the members of the legislature who shall receive a per diem as provided  
10 by law, and shall consist of the following members:

11 \* \* \*

12 (9) The ~~secretary~~ **attorney general** or a designee of the Department of  
13 ~~Children and Family Services Justice~~.

14 \* \* \*

15 §315.22.1. Support for disabled children

16 \* \* \*

17 C.

18 \* \* \*

19 (2) Nothing in this Section or any other provision of law shall be construed  
20 to require the Louisiana Department of ~~Children and Family Services~~ **Health and**  
21 **Human Services** to obtain an order of continuing tutorship or judgment of  
22 interdiction.

23 \* \* \*

24 F. Nothing in this Section shall require the Department of ~~Children and~~  
25 ~~Family Services Justice~~ to provide support enforcement services to a family not  
26 otherwise qualified to receive them under Title IV-D of the Social Security Act and  
27 related portions of Title IV-A of such Act.

28 \* \* \*

29 §315.24. Child support enforcement; revocatory and oblique actions

30 A. A party to whom child support is owed, including the Department of  
31 ~~Children and Family Services Justice~~ when rendering child support enforcement  
32 services, may seek enforcement of a child support obligation by any lawful means  
33 provided by law, including the use of a revocatory or oblique action brought pursuant  
34 to the provisions of Civil Code Article 2036 et seq.

35 B. In cases wherein the Department of ~~Children and Family Services Justice~~  
36 is providing support enforcement services and has reason to believe that an obligor  
37 acted or failed to act in such a way that caused or increased his insolvency, the  
38 department shall seek either of the following:

39 \* \* \*

40 §315.31. Definitions

41 As used in this Subpart:

42 \* \* \*

43 (5) "Department" means the Department of ~~Children and Family Services~~  
44 **Justice** when rendering child support enforcement services in TANF or non-TANF  
45 cases.

46 \* \* \*

47 §315.40. Definitions

48 As used in this Subpart:

49 (1) "Administrator" means the administrator of the child support enforcement  
50 ~~section, office of children and family services, Department of Children and Family~~  
51 ~~Services~~ **division of the Department of Justice**.

52 \* \* \*

53 (3) "Department" means the Department of ~~Children and Family Services,~~  
54 ~~office of children and family services~~ **Justice**.

55 \* \* \*

56 §377.18. Limits of privilege

57 \* \* \*

58 B. The privileges in accordance with R.S. 9:377.16 for a collaborative family  
59 law communication do not apply to the extent that a communication is any of the  
60 following:

61 \* \* \*

1 (2) Sought or offered to prove or disprove abuse, neglect, abandonment, or  
2 exploitation of a child or adult, unless the Louisiana Department of ~~Children and~~  
3 ~~Family Services~~ Health and Human Services is a party to or otherwise participates  
4 in the process.

5 \* \* \*

6 §396. Authority for test; ex parte orders; use of results

7 \* \* \*

8 B.(1) The district attorney, in assisting the Department of ~~Children and~~  
9 ~~Family Services~~ Justice in establishing paternity as authorized by R.S. 46:236.1.1  
10 et seq., may file a motion with a court of proper jurisdiction and venue prior to and  
11 without the necessity of filing any other legal proceeding. Upon ex parte motion of  
12 the district attorney and sworn affidavit of the party alleging specific facts tending  
13 to prove paternity and other facts necessary to establish the jurisdiction and venue  
14 of the court, the court shall issue an ex parte order directing the mother, her husband  
15 or former husband, child, and alleged father to appear at a certain date and time to  
16 submit to the collection of blood or tissue samples, or both, and shall direct that  
17 inherited characteristics in the samples, including but not limited to blood and tissue  
18 type, be determined by appropriate testing procedures. The order shall be personally  
19 served upon the alleged father. If any party refuses to submit to such tests, the court,  
20 in a subsequent civil action in which paternity is a relevant fact, may resolve the  
21 question of paternity against such party or enforce its order if the rights of others and  
22 the interests of justice so require.

23 \* \* \*

24 §399.1. Dismissal of final order following judgment of paternity; time periods;  
25 procedure; effects

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

39 \* \* \*

40 F.

41 \* \* \*

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

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

52 \* \* \*

53 §404. Father's paternity action; time period; exception

54 The peremptive periods in Civil Code Article 198 shall apply to the  
55 Department of ~~Children and Family Services~~ Justice when providing services in  
56 accordance with 42 USC 666.

57 \* \* \*

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

59 \* \* \*

60 B.

61 \* \* \*

(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~~ **Department of Justice**.

\* \* \*

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~~ **Department of Justice** 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.

\* \* \*

§2720.4. Institution of records check

A. Upon the initiation of the summary proceeding, the court shall do all of the following:

\* \* \*

(2) Order that the **Louisiana** Department of ~~Children and Family Services~~ **Health and Human Services** conduct a records check for validated complaints of child abuse or neglect in this or any other state in which either of the intended parents and the gestational carrier and her spouse, if she is married, has been domiciled since becoming a major.

\* \* \*

C. The sheriff or the office of state police, Louisiana Bureau of Criminal Identification and Information, the **Louisiana** Department of ~~Children and Family Services~~ **Health and Human Services**, in accordance with the applicable rules and regulations promulgated by the department, and the judicial administrator's office of the Louisiana Supreme Court shall accord priority to these orders and shall provide a certificate to the court indicating all information discovered, or that no information has been found.

\* \* \*

§3261.1. Lease agreements for certain residential dwellings; domestic abuse victims

\* \* \*

B. Definitions

\* \* \*

(6) "Qualified third party" means the executive director, program director, or another employee of a community-based shelter contracted with the **Louisiana** Department of ~~Children and Family Services~~ **Health and Human Services** pursuant to R.S. 46:2124, provided the employee is a Licensed Clinical Social Worker (LCSW) or possesses a masters degree in Social Work (MSW).

\* \* \*

Section 4. 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.

\* \* \*

Section 5. R.S. 13:844.1(B), 992.1(A), 998(B) and (E)(1) and (3), 1000.12(B), 1141(B) and the introductory paragraph of 1141(E)(1) and 1141(E)(3), 1414(B), the introductory paragraph of 1414(E)(1) and 1414(E)(3), 3881(A)(1)(a), 3928, 4291(B)(1) and (C), 4521(A)(3) and (4), 5108.2, and 5713(J) are hereby amended and reenacted to read as follows:

§844.1. Fees; state agency adoptions

\* \* \*

B. For the purpose of this Section, "state agency adoption" means any adoption proceeding wherein the child to be adopted is in the legal custody of the

1 Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
2 **Services** or the corresponding department of any other state.

3 \* \* \*

4 §992.1. Judicial building fund

5 A. The Nineteenth Judicial District Court and the clerk of court of the  
6 Nineteenth Judicial District are hereby authorized to impose the following additional  
7 costs of court and service charges provided for in Subsection B of this Section in all  
8 cases over which the court has jurisdiction, until the bonded indebtedness provided  
9 for in Subsection C of this Section is paid. The costs and charges provided in  
10 Subsection B of this Section shall not apply to cases involving family matters or any  
11 child welfare proceeding instituted by the Louisiana Department of ~~Children and~~  
12 ~~Family Services~~ **Health and Human Services, Department of Justice**, or any  
13 district attorney's office. The costs and charges may be up to and include the  
14 maximum amount set forth and shall be imposed on order of the judges en banc.  
15 Such costs and charges shall be paid to the clerk of court when the filing is made.

16 \* \* \*

17 §998. Nonrefundable fee; assessment and disposition

18 \* \* \*

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

36 \* \* \*

37 E.(1) Within thirty days of receipt of such funds, the office of ~~children and~~  
38 ~~family services~~ **women's health and community health** shall distribute the funds  
39 among those qualifying organizations. A qualifying organization must be recognized  
40 as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code  
41 and be located and operated within Caddo, Calcasieu, Caldwell, East Carroll, West  
42 Carroll, Franklin, Jackson, St. Landry, Lincoln, Madison, Morehouse, St. Bernard,  
43 Ouachita, Union, Richland, Tensas, Sabine, DeSoto, Vermilion, or Lafayette Parish  
44 and shall provide:

45 \* \* \*

46 (3) Organizations seeking to be qualified shall apply on an annual basis to the  
47 office of ~~children and family services~~ **women's health and community health**  
48 within the time and in the manner designated by the office of ~~children and family~~  
49 ~~services~~ and afford such reasonable proof as is required to establish its entitlement  
50 to funds.

51 \* \* \*

52 §1000.12. Twenty-Fourth Judicial District Court; additional support obligation fee;  
53 Domestic Commissioner's Fund

54 \* \* \*

55 B. The provisions of this Section shall not apply in cases in which the  
56 Department of ~~Children and Family Services~~ **Justice** is providing support  
57 enforcement services.

58 \* \* \*

59 §1141. Domestic Relations Section; nonrefundable fee; assessment and disposition

60 \* \* \*

61 B. The clerk of the civil district court, within thirty days of the close of each  
62 fiscal year, shall remit all costs collected pursuant to this Section to be deposited in

1 the state treasurer's account for credit to a special statutorily dedicated fund account  
2 after meeting the requirements of Article VII, Section 9 of the Constitution of  
3 Louisiana. The monies in this account shall be invested by the state treasurer in the  
4 same manner as monies in the state general fund, and interest earned on the  
5 investment of these monies shall be credited to the account following compliance  
6 with the requirement of Article VII, Section 9(B) of the Constitution of Louisiana  
7 relative to the Bond Security and Redemption Fund. Disbursement of funds shall be  
8 made by the office of ~~children and family services~~ **women's health and community**  
9 **health** in the Louisiana Department of ~~Children and Family Services~~ **Health and**  
10 **Human Services**, or its successor, in accordance with Paragraph (E)(2) of this  
11 Section and only in amounts appropriated by the legislature. Monies deposited into  
12 this account shall be categorized as fees and self-generated revenue for the sole  
13 purpose of reporting related to the executive budget, supporting documents, and  
14 general appropriations bills and shall be available for annual appropriation by the  
15 legislature.

16 \* \* \*

17 E.(1) Within thirty days of the receipt of such funds, the office of ~~children~~  
18 ~~and family services~~ **women's health and community health** shall distribute the  
19 funds among those qualifying organizations. A qualifying organization must be  
20 recognized as a non-profit organization under Section 501(c)(3) of the Internal  
21 Revenue Code and be located within the parish of Orleans, and shall provide:

22 \* \* \*

23 (3) Organizations seeking to be qualified shall apply on an annual basis to the  
24 office of ~~community services~~ **women's health and community health** within the  
25 time and in the manner designated by the office of ~~community services~~ and afford  
26 such reasonable proof as is required to establish its entitlement to funds.

27 \* \* \*

28 §1414. Nonrefundable fee; assessment and disposition

29 \* \* \*

30 B. The clerk of the 19th Judicial District Court, within thirty days of the close  
31 of each fiscal year, shall remit all costs collected pursuant to this Section to be  
32 deposited in the state treasurer's account for credit to a special statutorily dedicated  
33 fund account after meeting the requirements of Article VII, Section 9 of the  
34 Constitution of Louisiana. The monies in this account shall be invested by the state  
35 treasurer in the same manner as monies in the state general fund, and interest earned  
36 on the investment of these monies shall be credited to the account following  
37 compliance with the requirement of Article VII, Section 9(B) of the Constitution of  
38 Louisiana relative to the Bond Security and Redemption Fund. Disbursement of  
39 funds shall be made by the office of ~~children and family services~~ **women's health**  
40 **and community health** in the Louisiana Department of ~~Children and Family~~  
41 ~~Services~~ **Health and Human Services**, or its successor, in accordance with  
42 Paragraph (E)(2) of this Section and only in amounts appropriated by the legislature.  
43 Monies deposited into this account shall be categorized as fees and self-generated  
44 revenue for the sole purpose of reporting related to the executive budget, supporting  
45 documents, and general appropriations bills and shall be available for annual  
46 appropriations by the legislature.

47 \* \* \*

48 E.(1) Within thirty days of the receipt of such funds, the office of ~~children~~  
49 ~~and family services~~ **women's health and community health** shall distribute the  
50 funds among those qualifying organizations. A qualifying organization must be  
51 recognized as a non-profit organization under Section 501(c)(3) of the Internal  
52 Revenue Code and be located within the parish of East Baton Rouge, and shall  
53 provide:

54 \* \* \*

55 (3) Organizations seeking to be qualified shall apply on an annual basis to the  
56 office of ~~children and family services~~ **women's health and community health**  
57 within the time and in the manner designated by the office of ~~children and family~~  
58 ~~services~~ and afford such reasonable proof as is required to establish its entitlement  
59 to funds.

60 \* \* \*

61 §3881. General exemptions from seizure

1 A. The following income or property of a debtor is exempt from seizure  
2 under any writ, mandate, or process whatsoever, except as otherwise herein  
3 provided:

4 (1)(a) Seventy-five percent of his disposable earnings for any week, but in  
5 no case shall this exemption be less than an amount in disposable earnings which is  
6 equal to thirty times the federal minimum hourly wage in effect at the time the  
7 earnings are payable or a multiple or fraction thereof, according to whether the  
8 employee's pay period is greater or less than one week. However, the exemption  
9 from disposable earnings for the payment of a current or past due support obligation,  
10 or both, for a child or children is fifty percent of disposable earnings, and the  
11 exemption from seizure of the disposable earnings for the payment of a current or  
12 past due support obligation, or both, for a spouse or former spouse is sixty percent  
13 of the disposable earnings. For purposes of this Subsection, if the Department of  
14 ~~Children and Family Services~~ **Justice** is providing support enforcement services to  
15 the spouse and a judgment or order for support includes an obligation for both a child  
16 or children and a spouse or former spouse, or in any case wherein the judgment or  
17 order does not clearly indicate which amount is attributable to support of the child  
18 or children and which amount is attributable to support of the spouse or former  
19 spouse, the support obligation shall be treated as if it is exclusively for the support  
20 of a child or children.

21 \* \* \*

22 §3928. Priority of judgment, decree, or order of support

23 In any criminal or civil matter, a judgment, decree, order, or sentence of  
24 court, or a sale, transfer, or assignment of earnings by which a person is obligated to  
25 pay for the current or past due support, or both, of a child or children, or of a parent  
26 of a child or children if the Department of ~~Children and Family Services~~ **Justice** is  
27 providing support enforcement services to the parent, shall prime in enforcement any  
28 prior or subsequent judgment, decree, order, or sentence of court, or sale, transfer,  
29 or assignment of earnings, and shall be satisfied out of the nonexempt portion of  
30 disposable earnings.

31 \* \* \*

32 §4291. Effect of child support payments; judicial mortgage and privilege; affidavit  
33 of support owed; prescription

34 B.(1) In all cases where the Department of ~~Children and Family Services~~  
35 **Justice** is enforcing child support services, a judgment created by operation of law  
36 pursuant to Subsection A of this Section shall be executory in all respects, without  
37 the necessity of a judicial proceeding to determine the amount actually owed. The  
38 ~~director of the child support enforcement section, office of children and family~~  
39 ~~services, Department of Children and Family Services~~ **attorney general**, or his  
40 designee shall certify the actual amount in an affidavit entitled "Child Support  
41 Mortgage and Privilege by Affidavit of ~~DCFS~~". Such affidavit shall have the effect  
42 of a judgment. Notwithstanding any other law to the contrary, prescription shall not  
43 begin to run against any such judgment until the child reaches the age of majority or  
44 the obligation to provide child support ceases.

45 \* \* \*

46 C. The department shall provide notice by certified mail, by personal service,  
47 or by domiciliary service, to the child support obligor thirty days prior to a "Child  
48 Support Mortgage and Privilege by Affidavit of ~~DCFS~~" being filed and recorded.  
49 The notice shall advise the child support obligor that he has fifteen days to file an  
50 appeal. Upon notice of appeal, the department shall schedule a judicial hearing.  
51 Notwithstanding any other law to the contrary, prescription shall not begin to run  
52 against any such judgment until the child reaches the age of majority or the  
53 obligation to provide child support ceases.

54 \* \* \*

55 §4521. State and its subdivisions; temporary deferral of court costs; exceptions

56 A.

57 \* \* \*

58 (3) This Section shall not apply to the Department of ~~Children and Family~~  
59 ~~Services~~ **Justice** for any proceedings brought by the Department of ~~Children and~~  
60 ~~Family Services~~ **Justice** or any district attorney, on behalf of the Department of  
61 ~~Children and Family Services~~ **Justice**, to establish filiation or enforce support, when  
62 such proceedings are subject to a cooperative agreement between the agency and the

1 clerk of court of the appropriate jurisdiction. Any cooperative agreement entered into  
2 between the clerk of court and the agency shall include reimbursement for sheriff's  
3 costs. The provisions of this Paragraph shall not apply if federal funds are not  
4 available to cover the cost of the agreement.

5 (4) Neither the Louisiana Department of ~~Children and Family Services~~  
6 **Health and Human Services** nor any district attorney's office shall be required to  
7 pay court costs in any child welfare proceeding instituted by such department of  
8 district attorney's office.

9 \* \* \*

10 §5108.2. Child protective services workers; legal defense

11 The Department of Justice shall provide any worker of the ~~child protection~~  
12 ~~services division~~ of the office of ~~children and family services~~ **child welfare** of the  
13 Louisiana Department of ~~Children and Family Services~~ **Health** with a legal defense  
14 in any civil action arising from any activity within the course and scope of the  
15 worker's employment.

16 \* \* \*

17 §5713. Duties; autopsies and investigations

18 \* \* \*

19 J. Upon request, the Louisiana Department of ~~Children and Family Services~~  
20 **Health and Human Services** shall be entitled to obtain at no charge the name, age,  
21 preliminary diagnosis, and manner of death of a deceased minor or any other  
22 findings of abuse or neglect of the minor from the office of the coroner conducting  
23 the autopsy while the final autopsy is pending. If the coroner finds that the cause of  
24 death of a minor child was due to abuse or neglect or finds evidence of any other  
25 abuse or neglect of the child, he shall notify the Louisiana Department of ~~Children~~  
26 ~~and Family Services~~ **Health and Human Services**. The coroner shall provide the  
27 department with his findings in a timely manner, or immediately when requested to  
28 protect any other minor child.

29 \* \* \*

30 Section 6. R.S. 14:46.4(B)(1) and (2), 74(D)(2), 91.3(A), 403(A)(2) and (4)(a), and  
31 403.3(A)(1)(b)(i) are hereby amended and reenacted to read as follows:

32 §46.4. Re-homing of a child

33 \* \* \*

34 B. Re-homing does not include:

35 (1) Placement of a child with a relative, stepparent, licensed adoption agency,  
36 licensed attorney, or the Louisiana Department of ~~Children and Family Services~~  
37 **Health and Human Services**.

38 (2) Placement of a child by a licensed attorney, licensed adoption agency, or  
39 the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
40 **Services**.

41 \* \* \*

42 §74. Criminal neglect of family

43 \* \* \*

44 D.

45 \* \* \*

46 (2) If a fine is imposed, the court shall direct it to be paid in whole or in part  
47 to the spouse or to the tutor or custodian of the child, to the court approved fiduciary  
48 of the spouse or child, or to the Louisiana Department of ~~Children and Family~~  
49 ~~Services~~ **Justice** in a FITAP or Family Independence Temporary Assistance Program  
50 case or in a non-FITAP or Family Independence Temporary Assistance Program  
51 case in which the said department is rendering services, whichever is applicable;  
52 hereinafter, said payee shall be referred to as the "applicable payee." In addition, the  
53 court may issue a support order, after considering the circumstances and financial  
54 ability of the defendant, directing the defendant to pay a certain sum at such periods  
55 as the court may direct. This support shall be ordered payable to the applicable  
56 payee. The amount of support as set by the court may be increased or decreased by  
57 the court as the circumstances may require.

58 \* \* \*

59 §91.3. Unlawful participation in a child-related business

60 A. No person who has been convicted of, or who has pled guilty or nolo  
61 contendere to, an offense listed in R.S. 15:587.1(C) or whose name is recorded on  
62 the Louisiana Department of ~~Children and Family Services~~ **Health and Human**

1 **Services'** state central registry on or after August 1, 2018, shall own, operate, or in  
2 any way participate in the governance of any early learning center as defined by R.S.  
3 17:407.33, residential home as defined by R.S. 46:1403, or residence in which child  
4 care services are provided by a family child care provider or in-home provider who  
5 is registered pursuant to R.S. 17:407.61 et seq.

6 \* \* \*

7 §403. Abuse of children; reports; waiver of privilege

8 A.

9 \* \* \*

10 (2) Any person, any employee of a local child protection unit of the  
11 **Louisiana Department of ~~Children and Family Services~~ Health and Human**  
12 **Services**, any employee of any local law enforcement agency, any employee or agent  
13 of any state department, or any school employee who knowingly and willfully  
14 violates the provisions of Chapter 5 of Title VI of the Children's Code, or who  
15 knowingly and willfully obstructs the procedures for receiving and investigating  
16 reports of child abuse or neglect or sexual abuse, or who discloses without  
17 authorization confidential information about or contained within such reports shall  
18 be fined not more than five hundred dollars or imprisoned for not more than six  
19 months, or both.

20 \* \* \*

21 (4)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection,  
22 any person who is eighteen years of age or older who witnesses the sexual abuse of  
23 a child and knowingly and willfully fails to report the sexual abuse to law  
24 enforcement or to the **Louisiana Department of ~~Children and Family Services~~**  
25 **Health and Human Services** as required by Children's Code Article 610, shall be  
26 fined not more than ten thousand dollars, imprisoned with or without hard labor for  
27 not more than five years, or both.

28 \* \* \*

29 §403.3. Reports of missing children; procedures; false reports or communications;  
30 penalties

31 A.(1) Any state or local law enforcement agency receiving a report of a  
32 missing child or the recovery of a missing child and having reasonable grounds to  
33 believe the report is accurate shall do all of the following immediately after receiving  
34 the report:

35 \* \* \*

36 (b) Notify each of the following of the facts and contents of the report:

37 (i) The **Louisiana Department of ~~Children and Family Services~~ Health and**  
38 **Human Services** to the extent that the reporting is required pursuant to Chapter Five  
39 of Title VI of the Children's Code.

40 \* \* \*

41 Section 7. R.S. 15:305(A)(1), (D), and (E)(1), 440.2(A)(1)(a) and (c), 440.4(A)(5),  
42 440.7(C), 578(E), 587(A)(1)(a) and (2)(a) and (b), 587.1(A)(1) and (I), 587.5(A)(2), 934(A),  
43 951(C)(1), 1081, 1083, 1084(A) and (B), the introductory paragraph of 1084(C), 1084(C)(1),  
44 and (D), and 1085(A) through (C), 1086(A), the introductory paragraph of 1199.4(D) and  
45 1199.4(D)(3), and 1428(C)(3) and (D) are hereby amended and reenacted to read as follows:

46 §305. Probation in neglect of family cases

47 A.(1) Whenever a person has pleaded guilty or been found guilty of the  
48 misdemeanor of criminal neglect of family or has been found in contempt of court  
49 for failing to pay support as ordered under the provisions of Children's Code Article  
50 1353, the judge may suspend the execution or imposition of sentence and release the  
51 offender on unsupervised probation or probation under the supervision of the  
52 Department of **~~Children and Family Services~~ Justice**. The judge may suspend the  
53 sentence and place the defendant on probation although he has begun to serve the  
54 sentence imposed and may impose any specific conditions reasonably related to the  
55 offender's rehabilitation, including but not limited to the conditions of probation as  
56 set forth in Code of Criminal Procedure Article 895.

57 \* \* \*

58 D. The clerk of court shall give notice to the Department of **~~Children and~~**  
59 **Family Services Justice** in every case in which an offender is placed on probation  
60 under this Section.

61 E.(1) If the court finds that the defendant has violated a condition of his  
62 probation, it shall order that the probation be revoked and shall sentence the

1 defendant to imprisonment for not more than six months. The court shall also order  
2 the defendant to pay the total amount of unpaid support to the spouse, to the tutor or  
3 custodian of the child, to the court-approved fiduciary of the spouse or child, or to  
4 the Department of ~~Children and Family Services~~ **Justice** in a FITAP case or in a  
5 non-FITAP case in which the department is rendering services, whichever is  
6 applicable; hereinafter, said payee shall be referred to as the applicable payee. Such  
7 judgment shall have the same force and effect as a final judgment for money  
8 damages against the defendant. This judgment may be made executory by any  
9 Louisiana court of competent jurisdiction on petition of the department or the district  
10 attorney.

11 \* \* \*

12 §440.2. Authorization

13 A.(1) A court with original criminal jurisdiction or juvenile jurisdiction may  
14 require that a statement of a protected person be recorded on videotape by any of the  
15 following:

16 (a) Motion of the court or motion of the district attorney, a parish welfare unit  
17 or agency, the Louisiana Department of ~~Children and Family Services~~ **Health and**  
18 **Human Services**, or a child advocacy center operating in the judicial district.

19 \* \* \*

20 (c) Execution of a written protocol between the court and law enforcement  
21 agencies, a parish welfare unit or agency, the Louisiana Department of ~~Children and~~  
22 ~~Family Services~~ **Health and Human Services**, or a child advocacy center operating  
23 in the judicial district that authorizes the videotaping of any protected person without  
24 the necessity of the issuance of an order by the court in any individual case.

25 \* \* \*

26 §440.4. Method of recording videotape; competency

27 A. A videotape of a protected person may be offered in evidence either for  
28 or against a defendant. To render such a videotape competent evidence, it must be  
29 satisfactorily proved:

30 \* \* \*

31 (5) That the taking of the protected person's statement was supervised by a  
32 physician, a social worker, a law enforcement officer, a licensed psychologist, a  
33 medical psychologist, a licensed professional counselor, an authorized representative  
34 of the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
35 **Services**, or a civilian investigator.

36 \* \* \*

37 §440.7. Admissibility in civil, family, and administrative proceedings; discovery;  
38 confidentiality

39 \* \* \*

40 C. Nothing in this Section shall prevent the Louisiana Department of  
41 ~~Children and Family Services~~ **Health and Human Services** or law enforcement  
42 from sharing information as authorized or required by state or federal law.

43 \* \* \*

44 §578. Functions, powers, and duties of the bureau; crime laboratory

45 \* \* \*

46 E. Upon written request, the bureau shall provide specified criminal history  
47 information to the Louisiana Department of ~~Children and Family Services~~ **Health**  
48 **and Human Services** to provide for the well-being of children, as provided in R.S.  
49 15:587.1.

50 \* \* \*

51 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal  
52 Identification and Information

53 A.(1)(a) The bureau shall make available upon request, or at other times as  
54 the deputy secretary shall designate, to any eligible criminal justice agency and the  
55 division of administration, office of technology services, the Department of  
56 Education, the Louisiana Department of Health, the state fire marshal when  
57 reviewing applications for licensure, the Louisiana Manufactured Housing  
58 Commission when reviewing applications for licensure, ~~the Department of Children~~  
59 ~~and Family Services~~, the Department of Insurance, the Louisiana State Racing  
60 Commission, the Senate Committee on Senate and Governmental Affairs, the House  
61 Committee on House and Governmental Affairs, the secretary of Louisiana Works  
62 or his designee, the Board of River Port Pilot Commissioners, the Louisiana State

1 Board of Home Inspectors, the Office of Financial Institutions in the office of the  
2 governor, the office of the disciplinary counsel of the Louisiana Attorney  
3 Disciplinary Board of the Louisiana State Bar Association; however, as to any  
4 licensed attorney this information shall be provided only after the issuance of a  
5 formal charge against the attorney, the Louisiana Supreme Court Committee on Bar  
6 Admissions, the municipal or parish department or personnel responsible for  
7 reviewing applications for alcoholic beverage outlet permits, and the legislative  
8 auditor any information contained in the criminal history record and identification  
9 files of the bureau. The Department of ~~Children and Family Services~~ **Justice** may  
10 provide information secured pursuant to this Subsection to all federal and state  
11 agencies providing child support enforcement services.

12 \* \* \*

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

32 (b) The bureau shall facilitate national criminal history record checks of  
33 prospective foster and adoptive parent applicants and adult members of foster and  
34 adoptive parent households; parents whose children have been removed from their  
35 custody; parents or caretakers involved in investigations of abuse or neglect;  
36 potential caretakers of a child who is either in the custody of the department, is the  
37 subject of an investigation of abuse or neglect, or is or has been receiving services  
38 through the office of ~~children and family services~~ **child welfare**; potential employees  
39 of the department whose duties include the investigation of child abuse or neglect,  
40 the supervisory or disciplinary authority over children, direct care of a child, or  
41 performance of licensing surveys; and individuals employed directly or indirectly by  
42 institutions or facilities providing, or with the potential of providing, daily care or  
43 supervision to any child or youth in the custody of or under the supervision of any  
44 Louisiana state government agency by receiving and forwarding fingerprint cards to  
45 the Federal Bureau of Investigation. The **Louisiana** Department of ~~Children and~~  
46 **Family Services Health and Human Services** is authorized to receive and screen  
47 the results of the state and national criminal history record checks in order to  
48 determine foster or adoptive parent applicants' eligibility for certification or  
49 recertification as a placement resource for children; to assist in the determination of  
50 the appropriateness of a parent or potential caregiver as a placement resource for a  
51 child; to assess the situation for safety issues and risks to the child and worker; to  
52 assess the qualifications of a potential department employee; and to assess the  
53 qualifications of individuals employed, directly or indirectly, by institutions or  
54 facilities providing, or with the potential of providing, daily care or supervision to  
55 any child or youth in the custody of or under the supervision of any Louisiana state  
56 government agency. The department shall maintain the confidentiality of criminal  
57 history information received in accordance with applicable federal or state law.

58 \* \* \*

59 §587.1. Provision of information to protect children

60 A.(1) As provided in R.S. 15:825.3, R.S. 17:8.9, 15, 407.42, and 407.71,  
61 Children's Code Article 424.1, and R.S. 46:51.2, any employer or others responsible  
62 for the actions of one or more persons who have been given or have applied to be

1 considered for a position of supervisory or disciplinary authority over children, and  
2 as provided in R.S. 46:51.2(A), the **Louisiana** Department of ~~Children and Family~~  
3 ~~Services~~ **Health and Human Services** as employer of one or more persons who  
4 have been given or have applied to be considered for a position whose duties include  
5 the investigation of child abuse or neglect, supervisory or disciplinary authority over  
6 children, direct care of a child, or performance of licensing surveys, and for  
7 individuals who are employed by or contracted staff of a child care institution, as  
8 defined in 42 U.S.C. 672, licensed by the department, shall request in writing that the  
9 bureau supply information to ascertain whether that person or persons have been  
10 arrested for or convicted of, or pled nolo contendere to, any criminal offense. The  
11 request must be on a form prepared by the bureau and signed by a responsible officer  
12 or official of the organization or department making the request. It must include a  
13 statement signed by the person about whom the request is made which gives his  
14 permission for such information to be released.

15 \* \* \*

16 I. Notwithstanding any other provision of law to the contrary, the **Louisiana**  
17 Department of ~~Children and Family Services~~, ~~office of children and family services~~,  
18 **Health and Human Services** may utilize the National Crime Information Center to  
19 conduct background checks authorized in R.S. 15:587 when investigating or  
20 responding to reports of abuse or neglect as provided for in Section 151 of P.L.  
21 109-248.

22 \* \* \*

23 §587.5. Agencies with access to federal tax information; criminal history  
24 information

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

29 \* \* \*

30 (2) Department of Justice, collections section, **child support enforcement**  
31 **section**, and information technology section.

32 \* \* \*

33 §934. Detention centers

34 A. All facilities that detain juveniles pursuant to Title VII or Title VIII of the  
35 Louisiana Children's Code shall collect and maintain data on each child detained.  
36 This data shall be retained permanently by the facility and shall be made available  
37 for inspection during normal business hours by any court exercising juvenile court  
38 jurisdiction, by the **Louisiana** Department of ~~Children and Family Services~~ **Health**  
39 **and Human Services**, and by persons collecting aggregate statistical information.

40 \* \* \*

41 §951. Back on Track Youth Pilot Program

42 \* \* \*

43 C.(1) This program shall be administered by selected nonprofit groups as well  
44 as the Department of Public Safety and Corrections, the **Louisiana** Department of  
45 ~~Children and Family Services~~ **Health and Human Services**, the Department of  
46 Education, Louisiana Works, and the Louisiana Children's Trust Fund Board.

47 \* \* \*

48 §1081. Purpose

49 Notwithstanding any other provision of law to the contrary, the provisions of  
50 this Part shall serve as the sole statutory authorization under which the ~~Department~~  
51 ~~of Children and Family Services~~ or Louisiana Department of **Health and Human**  
52 **Services** and the Department of Public Safety and Corrections shall make payments  
53 for the care and treatment of children in nonstate operated child caring agencies,  
54 child placing agencies, shelter care facilities, and maternity homes.

55 \* \* \*

56 §1083. Participation

57 Nonstate operated agencies and facilities desiring to participate in payment  
58 under this Part shall:

59 (1) If otherwise required by statute or regulation, be duly licensed by the state  
60 of Louisiana through its agent, the ~~Department of Children and Family Services~~ or  
61 Louisiana Department of **Health and Human Services**.

1 (2) Submit to the ~~Department of Children and Family Services~~ or Louisiana  
2 Department of Health **and Human Services** or the Department of Public Safety and  
3 Corrections on or before August first, or at a time set by the department, a statement  
4 requesting participation and funding under this Part for the succeeding fiscal year.

5 (3) Submit programmatic and fiscal information within such time and to the  
6 extent as the ~~Department of Children and Family Services~~ or Louisiana Department  
7 of Health **and Human Services** or the Department of Public Safety and Corrections  
8 may require. Agencies or facilities which operate multiple subprograms shall submit  
9 such information for each subprogram for which participation is being requested.  
10 The failure of an agency or facility to submit such a statement or to provide  
11 information required by these departments may, at their discretion, preclude that  
12 agency or facility from participating in funding under this Part for the fiscal year in  
13 question.

14 (4) Be subject to audit by the ~~Department of Children and Family Services~~  
15 ~~or~~ Louisiana Department of Health **and Human Services** or the Department of  
16 Public Safety and Corrections and the legislative auditor, and shall retain and make  
17 available such records and documents as are required to complete such audit.

18 §1084. Establishment of rates for payment for care in nonstate operated agencies  
19 and facilities

20 A. For purposes of establishing rates of payment the ~~Department of Children~~  
21 ~~and Family Services~~ or Louisiana Department of Health **and Human Services** and  
22 the Department of Public Safety and Corrections shall develop a formula that bears  
23 a reasonable relationship to cost of care for children cared for by nonstate operated  
24 institutions and agencies and which incorporates a prospective budgeting  
25 methodology. For purposes of establishing such rates each department named herein  
26 shall develop criteria for budgeting that reflect established accounting practices and  
27 encourage cost containment.

28 B. On the basis of information provided in accordance with R.S. 15:1083, the  
29 ~~Department of Children and Family Services~~ or Louisiana Department of Health **and**  
30 **Human Services** and the Department of Public Safety and Corrections shall pay  
31 monthly to each nonstate operated institution or agency a sum computed by these  
32 departments using a formula that bears a reasonable relationship to cost of care for  
33 children cared for by the nonstate operated institutions and agencies and which  
34 incorporates a prospective budgeting methodology.

35 C. The ~~Department of Children and Family Services~~ or Louisiana Department  
36 of Health **and Human Services** and the Department of Public Safety and  
37 Corrections may make revisions to these rates provided that all of the following  
38 conditions are met:

39 (1) The ~~Department of Children and Family Services~~ or Louisiana  
40 Department of Health **and Human Services** or the Department of Public Safety and  
41 Corrections submits a report to the legislature documenting the need for such  
42 revisions.

43 \* \* \*

44 D. The Louisiana Department of Health **and Human Services**, ~~Department~~  
45 ~~of Children and Family Services~~ and the Department of Public Safety and  
46 Corrections shall promulgate under the Administrative Procedure Act and publish  
47 in the Louisiana Register the criteria utilized in establishing the cost related formula  
48 that bears a reasonable relationship to cost of care for children cared for by nonstate  
49 operated institutions and agencies. Each department may set its own rates and make  
50 payment based on that rate.

51 §1085. Payment for care and treatment

52 A. The ~~Department of Children and Family Services~~ or Louisiana  
53 Department of Health **and Human Services** is hereby authorized to make payments,  
54 at the rates established under R.S. 15:1084, for the care and treatment of children  
55 placed by the ~~Department of Children and Family Services~~ or Louisiana Department  
56 of Health **and Human Services** in child caring agencies, child placing agencies,  
57 maternity homes, and shelter care facilities which conform to the requirements of  
58 this Part.

59 B. Payments shall be made on a monthly basis and shall represent  
60 reimbursements for services provided during the previous month. Participating  
61 agencies shall submit such information as the ~~Department of Children and Family~~

1 ~~Services~~ or Louisiana Department of Health **and Human Services** may require to  
2 document claims for reimbursement.

3 C. Participating agencies and facilities shall receive one and only one  
4 monthly payment from the ~~Department of Children and Family Services~~ or Louisiana  
5 Department of Health **and Human Services** for services rendered to each child  
6 under this Part except for such adjustments as may be necessary to rectify previous  
7 inaccurate payments.

8 \* \* \*

9 §1086. Contribution to cost of care by parent, custodian

10 A. When the ~~Department of Children and Family Services~~ or Louisiana  
11 Department of Health **and Human Services** or the Department of Public Safety and  
12 Corrections provides payments for care and treatment of a child under the provisions  
13 of this Part, the parent or legal custodian will be required to contribute to the cost of  
14 care of the child in such a manner as is consistent with applicable federal and state  
15 regulations, as is commensurate with his ability to pay, and as is in accordance with  
16 a sliding scale which shall be established by the departments.

17 \* \* \*

18 §1199.4. Reentry Advisory Council; creation; members; powers and duties

19 \* \* \*

20 D. ~~For~~ **Nine** members of the council shall be comprised as follows:

21 \* \* \*

22 (3) The secretary of the Louisiana Department of Health **and Human**  
23 **Services**, or his designee.

24 \* \* \*

25 §1428. Delinquency prevention plan; programs; grants

26 \* \* \*

27 C. The Juvenile Delinquency and Gang Prevention Advisory Board may use  
28 public hearings and other appropriate processes to solicit input regarding the  
29 development and updating of the delinquency prevention plan. Input may be  
30 provided by parties which include but are not limited to:

31 \* \* \*

32 (3) The Department of Public Safety and Corrections, the **Louisiana**  
33 Department of ~~Children and Family Services~~ **Health and Human Services**, and  
34 other departments or state agencies that provide services to delinquent children.

35 \* \* \*

36 D. The Juvenile Delinquency and Gang Prevention Advisory Board must  
37 develop its delinquency prevention plan in close cooperation with the commission,  
38 Department of Public Safety and Corrections, ~~Department of Children and Family~~  
39 ~~Services~~, Louisiana Department of Health **and Human Services**, local school  
40 districts, and with local law enforcement in order to maximize services for  
41 delinquent children. The Juvenile Delinquency and Gang Prevention Advisory Board  
42 must update the plan for delinquent children policies and programs every year.

43 \* \* \*

44 Section 8. R.S. 17:15(A)(1)(a) and (b)(i)(bb), (2)(a)(ii) and (vi), (D)(1)(b), (2), and  
45 (3), and (E)(1), 192.1(A)(1)(a) and (3) and (C), 238, 406.9(C), 407.23(B)(4), 407.35(C),  
46 407.42(A)(2) and (B)(1)(b) and (3), 407.71(A)(1) and (2) and (B)(1)(b) and (3), 1687(B) and  
47 (C), 1972(1)(d), 1974(A)(7), 3129(D)(2), 3399.18(B)(11), and 3399.21(1) are hereby  
48 amended and reenacted to read as follows:

49 §15. Criminal history review

50 A.(1)(a) A person who has been convicted of or has pled nolo contendere to  
51 a crime listed in R.S. 15:587.1(C) or whose name is recorded on the **Louisiana**  
52 Department of ~~Children and Family Services~~ **Health and Human Services**' state  
53 central registry on or after August 1, 2018, shall not be hired by a city, parish, or  
54 other local public school board or a nonpublic school or school system as a bus  
55 operator, substitute bus operator, or janitor, or as a temporary, part-time, or  
56 permanent school employee of any kind.

57 (b)(i) Except as otherwise provided in this Subparagraph, a city, parish, or  
58 other local public school board or a nonpublic school or school system shall not  
59 knowingly hire a person as an administrator, teacher, or substitute teacher if the  
60 person:

61 \* \* \*

1 (bb) Is recorded on the Louisiana Department of ~~Children and Family~~  
2 ~~Services'~~ **Health and Human Services'** state central registry on or after August 1,  
3 2018.

4 \* \* \*

5 (2)(a) A city, parish, or other local public school board shall dismiss:

6 \* \* \*

7 (ii) An administrator, teacher, or substitute teacher whose name is recorded  
8 on the Louisiana Department of ~~Children and Family Services'~~ **Health and Human**  
9 **Services's** state central registry on or after August 1, 2025.

10 \* \* \*

11 (vi) Any other school employee if the employee's name is recorded on the  
12 Louisiana Department of ~~Children and Family Services'~~ **Health and Human**  
13 **Services'** state central registry on or after August 1, 2025.

14 \* \* \*

15 D.(1)

16 \* \* \*

17 (b) An administrator, teacher, or other school employee whose name is  
18 recorded on the Louisiana Department of ~~Children and Family Services'~~ **Health and**  
19 **Human Services'** state central registry on or after August 1, 2025, shall report the  
20 recordation to his employer and to the department within two business days,  
21 exclusive of weekends and holidays.

22 (2) An administrator, teacher, or substitute teacher who fails to report a  
23 conviction or plea of guilty or nolo contendere of any felony offense or fails to report  
24 recordation on the Louisiana Department of ~~Children and Family Services'~~ **Health**  
25 **and Human Services'** state central registry shall be fined not more than one  
26 thousand dollars or imprisoned for not more than one year, with or without hard  
27 labor, or both.

28 (3) A school employee other than an administrator, teacher, or substitute  
29 teacher who fails to report a conviction or plea of guilty or nolo contendere of any  
30 criminal offense listed in R.S. 15:587.1(C)(1) or fails to report recordation on the  
31 Louisiana Department of ~~Children and Family Services'~~ **Health and Human**  
32 **Services'** state central registry shall be fined not more than five hundred dollars or  
33 imprisoned for not more than six months, with or without hard labor, or both.

34 E.(1) The State Board of Elementary and Secondary Education may assess  
35 a civil fine against a school governing authority, equal to the average state yearly  
36 compensation for a public school teacher, inclusive of salary and benefits, who  
37 knowingly employs a person without requesting the criminal records or verifying  
38 whether the person's name is recorded on the Louisiana Department of ~~Children and~~  
39 ~~Family Services'~~ **Health and Human Services'** state central registry as required by  
40 this Section or who knowingly hires a person who has been convicted of or pled nolo  
41 contendere to any crime listed in R.S. 15:587.1(C) or whose name is recorded on the  
42 state central registry.

43 \* \* \*

44 §192.1. Meals; denial to students; procedures

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

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

51 (a) Provide actual notification to the child's parent or legal guardian as to the  
52 date and time after which meals may be denied, the reason for such denial, any  
53 action that may be taken by the parent or legal guardian to prevent further denial of  
54 meals, and the consequences of the failure to take appropriate actions to prevent such  
55 denial, including that the school governing authority shall contact the office of  
56 ~~children and family services within child welfare,~~ the Louisiana Department of  
57 ~~Children and Family Services~~ **Health and Human Services** upon the third instance  
58 of such denial during a single school year as provided in Paragraph (3) of this  
59 Subsection.

60 \* \* \*

61 (3) Upon the third instance during a single school year of the same  
62 elementary school child being denied a meal during school hours, the school

governing authority shall contact the office of ~~children and family services~~ within **child welfare**, the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services** to report the failure of the parent or guardian to pay for meals which has resulted in repeated denials of meals during school hours.

\* \* \*

C. If the governing authority of a public elementary school adopts a policy of denying a scheduled meal to a child, the governing authority shall document each instance that a child is denied a meal in the elementary school under its authority. Such documentation shall be provided upon request to the state superintendent of education, to the secretary of the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services**, the House Committee on Education, or the Senate Committee on Education.

\* \* \*

§238. Education of children having no permanent address, certain abandoned children, and children in foster care

A. Notwithstanding any provision of law or regulation to the contrary, the governing authority of each public elementary and secondary school shall establish a policy to provide for the placement in school and for the education of any child temporarily residing within the jurisdiction of the board who has no permanent address, who has been abandoned by his parents, or who is in foster care pursuant to placement through the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services**.

B. No governing authority of a public elementary or secondary school shall deny enrollment in school to any child solely because the child has no permanent address, because the child has been abandoned by his parents, or because the child is in foster care pursuant to placement through the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services**; however, nothing in this Section shall require the enrollment of any child not permitted by another school system to attend school, either permanently or temporarily, as a result of disciplinary actions.

C. The governing authority of each public elementary and secondary school shall establish a policy to ensure that a child who is in foster care pursuant to placement through the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services** shall be allowed to remain enrolled in the public school in which the child was enrolled at the time he entered foster care for the duration of the child's stay in the custody of the state or until he completes the highest grade offered at the school if the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services** determines that remaining in that school is in the best interest of the child. If the foster care placement is outside the jurisdictional boundaries of the public school in which the child is enrolled, the governing authority of such school shall be responsible for providing free transportation for the child to and from a designated location which is within that school district and is located nearest to the child's residence and is determined to be appropriate by such governing authority and the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services**. The Louisiana Department of ~~Children and Family Services~~ **Health and Human Services** shall be responsible for providing the child's transportation between that location and the child's residence.

\* \* \*

§406.9. Parents' Bill of Rights for Public Schools

\* \* \*

C. Notwithstanding anything to the contrary, a public school shall not be required to release any records or information regarding a student's medical or health records or mental health counseling records to a parent during the pendency of an investigation of child abuse or neglect conducted by any law enforcement agency or the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services** where the parent is the target of the investigation, unless the parent has obtained a court order.

\* \* \*

§407.23. Early Childhood Care and Education Network; creation; components; duties and responsibilities; pilot programs

\* \* \*

B. To facilitate the creation of this network, the state board shall:

\* \* \*

(4) Coordinate with the ~~Department of Children and Family Services~~ and the Louisiana Department of Health **and Human Services** to align the standards for the licensing of child care facilities, including the requirements for participation in the Louisiana Quality Start Child Care Rating System, with the standards established for early childhood education programs.

\* \* \*

§407.35. Exemptions from licensure requirements

\* \* \*

C. Nothing in this Part shall apply to children in programs licensed or operated by the Louisiana Department of Health **and Human Services** or the ~~Department of Children and Family Services~~.

\* \* \*

§407.42. Review of criminal history information and state central registry of child abuse and neglect

A.

\* \* \*

(2) No individual whose name is recorded on the state central registry within the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services** as a perpetrator for a substantiated finding of abuse or neglect of a child or in any other state's child abuse and neglect registry or repository 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, including any therapeutic professionals, extracurricular personnel, and other independent contractors, or shall be hired by the department in a position whose duties include the performance of licensing inspections.

B.(1) The State Board of Elementary and Secondary Education shall establish by regulation, requirements and procedures under which the department shall, for any owner, volunteer, applicant, or employee of any kind, including contractors, of an early learning center or an applicant or employee of the department in a position whose duties include the performance of licensing inspections:

\* \* \*

(b) Request information from the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services** as to whether the person is listed on the state central registry as a perpetrator for a substantiated finding of abuse or neglect of a child.

\* \* \*

(3) The department may charge a processing fee not to exceed fifteen dollars and may collect the processing fees charged by the Bureau of Criminal Identification and Information for a state criminal history report, the Federal Bureau of Investigation for a federal criminal history information report, the National Crime Information Center for a search of the National Sex Offender Registry, the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services** for a search of its state central registry of child abuse and neglect, and processing fees charged by other states when it receives a request for an employment eligibility determination and shall timely submit the appropriate processing fees to the appropriate agencies.

\* \* \*

§407.71. Grounds for revocation or refusal to renew registration; criminal activities; lack of CPR or first aid training

A.(1) No person who has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services** as a perpetrator for a substantiated finding of abuse or neglect of a child, whose name is on any other state's child abuse and neglect registry or repository, whose name is on the Louisiana Sex Offender and Child Predator Registry, whose name is on any other state's sex offender registry, or whose name is on the National Crime Information Center's National Sex Offender Registry may be a registered family child care provider, be employed in the residence or on the property of the residence where the care is provided by the registered family child care provider, or live in the residence where care is provided by the registered family child care provider. The cost of any criminal background check which may be required by the

1 department as proof of compliance with this Subsection shall be the responsibility  
2 of the family child care provider.

3 (2) No person who has been convicted of or pled nolo contendere to a crime  
4 listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the  
5 Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
6 **Services** as a perpetrator for a substantiated finding of abuse or neglect of a child,  
7 whose name is on any other state's child abuse and neglect registry or repository,  
8 whose name is on the Louisiana Sex Offender and Child Predator Registry, whose  
9 name is on any other state's sex offender registry, or whose name is on the National  
10 Crime Information Center's National Sex Offender Registry may be a registered in-  
11 home child care provider, be an adult employed in the home or on the property of the  
12 home where care is provided by the registered in-home child care provider, or be any  
13 adult living in the home where care is provided by the registered in-home child care  
14 provider who is not a caregiver. For the purposes of this Paragraph, the term  
15 "caregiver" shall mean any person legally obligated to provide or secure care for a  
16 child, including a parent, legal custodian, foster home parent, or other person  
17 providing a residence for the child. The cost of any criminal background check  
18 which may be required by the department as proof of compliance with this  
19 Subsection shall be the responsibility of the in-home provider.

20 B.(1) The State Board of Elementary and Secondary Education shall establish  
21 by regulation requirements and procedures through which the department shall:

22 \* \* \*

23 (b) Request information from the Louisiana Department of ~~Children and~~  
24 ~~Family Services~~ **Health and Human Services** as to whether the individual's name  
25 is recorded on the state central registry for child abuse and neglect.

26 \* \* \*

27 (3) The department may charge a processing fee not to exceed fifteen dollars  
28 and may collect the processing fees charged by the Bureau of Criminal Identification  
29 and Information for a state criminal history report, the Federal Bureau of  
30 Investigation for a federal criminal history information report, the National Crime  
31 Information Center for a search of the National Sex Offender Registry, the  
32 Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
33 **Services** for a search of its state central registry of abuse and neglect, and processing  
34 fees charged by other states when it receives a request for a criminal background  
35 check and shall timely submit the appropriate processing fees to the appropriate  
36 agencies.

37 \* \* \*

38 §1687. Tuition and fee exemption; persons in foster care; eligibility; duration; foster  
39 care status; verification; funding; definitions

40 \* \* \*

41 B. For purposes of this Section, the term "person" shall mean any individual  
42 who was in the care, custody, or guardianship of the office of ~~children and family~~  
43 ~~services~~ **child welfare** of the Louisiana Department of ~~Children and Family~~  
44 ~~Services~~ **Health and Human Services** in the foster care program for any nine of the  
45 twenty-four months immediately prior to his eighteenth birthday.

46 C. For purposes of this Section, the foster care status of any person eligible  
47 to receive the exemption as provided in this Section shall be verified by ~~the office~~  
48 ~~of children and family services of the~~ Louisiana Department of ~~Children and Family~~  
49 ~~Services~~ **Health and Human Services** prior to such person initially receiving such  
50 exemption.

51 \* \* \*

52 §1972. Definitions

53 As used in this Part, the following terms have the following meanings unless  
54 the context clearly indicates otherwise:

55 (1) "At-risk student" means a student who meets at least one of the following  
56 criteria:

57 \* \* \*

58 (d) Is in foster care pursuant to placement through the Louisiana Department  
59 of ~~Children and Family Services~~ **Health and Human Services**.

60 \* \* \*

61 §1974. Board of directors; creation; membership; terms; powers; voting;  
62 compensation

1 A. There is hereby created a board of directors for the school, hereinafter in  
2 this Part referred to as the "board". The board shall be composed of nine members  
3 as follows:

4 \* \* \*

5 (7) The secretary of the Louisiana Department of ~~Children and Family~~  
6 ~~Services~~ **Health and Human Services** or his designee.

7 \* \* \*

8 §3129. Power to recommend budget

9 \* \* \*

10 D.

11 \* \* \*

12 (2) The Board of Regents, in consultation with the Louisiana Department of  
13 ~~Children and Family Services~~ **Health and Human Services** and other appropriate  
14 persons, as determined by the board, shall develop and adopt rules and guidelines to  
15 be used for determining such recommended funding. Such rules and guidelines shall  
16 include but not be limited to an initial review and analysis, with an annual update  
17 thereafter, of the institution's facilities and learning environments from the  
18 standpoint of accessibility to persons with motor and sensory impairments. Such  
19 review and analysis shall include a determination as to whether or not the  
20 institution's facilities and learning environments are in compliance with the federal  
21 Americans with Disabilities Act and other applicable federal and state laws and  
22 agency rules and regulations.

23 \* \* \*

24 §3399.18. Louisiana Power-Based Violence Review Panel

25 \* \* \*

26 B. The panel shall be composed of the following members:

27 \* \* \*

28 (11) A member of the Domestic Violence Prevention Commission appointed  
29 by the secretary of the Louisiana Department of ~~Children and Family Services~~  
30 **Health and Human Services**.

31 \* \* \*

32 §3399.21. Definitions

33 As used in this Part, the following terms have the following meanings:

34 (1) "Foster youth" means any individual in the care, custody, or guardianship  
35 of the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
36 **Services** in the foster care program for any six of the seventy-two months  
37 immediately prior to his eighteenth birthday.

38 \* \* \*

39 Section 9. R.S. 22:1023(D)(7) is hereby amended and reenacted to read as follows:

40 §1023. Prohibited discrimination; genetic information; disclosure requirements;  
41 definitions

42 \* \* \*

43 D. The requirements of this Section shall not apply to the genetic information  
44 obtained:

45 \* \* \*

46 (7) By the Louisiana Department of ~~Children and Family Services~~ **Health**  
47 **and Human Services** or by a court having juvenile jurisdiction as set forth in  
48 Children's Code Article 302 for the purposes of child protection investigations or  
49 neglect proceedings.

50 \* \* \*

51 Section 10. R.S. 23:73(E)(2), 1372, 1605(A)(4), 1801(B)(1), and 2043(A)(3) are  
52 hereby amended and reenacted to read as follows:

53 §73. Comprehensive labor market information system

54 \* \* \*

55 E.

56 \* \* \*

57 (2) The public entities whose data and assistance shall be considered  
58 necessary for the system to fulfill its purpose shall include the department, Louisiana  
59 Economic Development, and the Departments of ~~Children and Family Services~~,  
60 Education, **Health and Human Services**, Public Safety and Corrections, and  
61 Veterans Affairs, and in the governor's office, the Offices of Elderly Affairs,  
62 Lifelong Learning, Women's Services, and the State Board of Elementary and

1 Secondary Education, and the Board of Regents and any other public entity that the  
2 department deems necessary.

3 \* \* \*

4 §1372. Louisiana Workers' Compensation Second Injury Board; creation, domicile,  
5 membership

6 The Louisiana Workers' Compensation Second Injury Board, hereinafter  
7 referred to as the board, is created. The board, which shall be domiciled in Baton  
8 Rouge, Louisiana, shall be composed of five members or their designee, who shall  
9 be the secretary of state, the state treasurer, the commissioner of insurance, the  
10 secretary of the Louisiana Department of Children and Family Services **Health and**  
11 **Human Services**, and the assistant secretary of the office of workers' compensation  
12 administration.

13 \* \* \*

14 §1605. Unemployment insurance integrity program

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

17 \* \* \*

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

22 \* \* \*

23 §1801. Workforce solutions; development; coordination with employers

24 \* \* \*

25 B.(1) The Board of Regents, the Louisiana Community and Technical  
26 College System, Louisiana Economic Development, the Department of Education,  
27 the Department of Public Safety and Corrections, the Louisiana State University  
28 system, and the Louisiana Department of Children and Family Services **Health and**  
29 **Human Services** shall identify, recognize, change, create, or recommend any  
30 initiatives, services, data collection, research, and programs that will promote  
31 workforce development in the state.

32 \* \* \*

33 §2043. Members

34 A. The council shall consist of members as follows:

35 \* \* \*

36 (3) The secretary of the Louisiana Department of Children and Family  
37 Services **Health and Human Services**.

38 \* \* \*

39 Section 11. R.S. 24:525(D)(2) and (F), 933(B)(9), and 936(B)(1) are hereby amended  
40 and reenacted to read as follows:

41 §525. State child ombudsman; duties

42 \* \* \*

43 D.

44 \* \* \*

45 (2) The Louisiana Department of Children and Family Services **Health and**  
46 **Human Services** shall notify the state child ombudsman within three business days  
47 of receiving information on the death of any child that had been reported to the  
48 department for alleged child abuse or neglect.

49 \* \* \*

50 F. Notwithstanding any other provision of law to the contrary and to the  
51 extent allowed by federal law, the state child ombudsman shall, upon request, have  
52 permission to view and use documents and records relevant to the ombudsman's  
53 statutory duties. To the extent allowed by federal law, such documents and records  
54 shall include but not be limited to the applications and case files of the Louisiana  
55 Department of Health **and Human Services** and the ~~Department of Children and~~  
56 ~~Family Services~~ except for the name and any identifying information of the reporter  
57 of child abuse or neglect and restrictions provided in Title IV-D of the Social  
58 Security Act and the Internal Revenue Code, juvenile court judgments and court  
59 minute entries, records and reports of children in the custody of or under the  
60 supervision of the office of juvenile justice, student records in the possession of the  
61 **State state** Department of Education, any parish or city school board, and any  
62 elementary or secondary education school, including charter schools. The state child

1 ombudsman shall comply with any and all restrictions imposed by law on  
2 documents, data, or information considered confidential or privileged and furnished  
3 to the state child ombudsman.

4 \* \* \*

5 §933. Interagency Council on the Prevention of Sex Offenses created; membership;  
6 officers; quorum

7 \* \* \*

8 B. The council shall be composed of twenty-four members as follows:

9 \* \* \*

10 (9) The assistant secretary of the office of ~~community services~~ **child welfare**  
11 of the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
12 **Services** or his designee.

13 \* \* \*

14 §936. Registry

15 \* \* \*

16 B.(1) In furtherance of the purpose of this Chapter, the Louisiana  
17 Department of ~~Children and Family Services~~ **Health and Human Services** shall  
18 maintain a central registry in accordance with Children's Code Art. 616.

19 \* \* \*

20 Section 12. R.S. 27:2(D), 24(A)(5)(b), (c), and (e), and 364(A)(1)(b)(vi) are hereby  
21 amended and reenacted to read as follows:

22 §2. Public policy of state concerning gaming; status of licenses, contracts, and  
23 permits

24 \* \* \*

25 D. In accordance with this finding, the Department of ~~Children and Family~~  
26 **Services Justice** shall report to the joint committees on Civil Law and Procedure and  
27 Judiciary A, no later than fifteen days following the commencement of the regular  
28 legislative session each year, on the interception and seizure of gaming winnings for  
29 the payment of child support and overpayments owed to the department. This report  
30 shall be a public record and shall include but not be limited to the number of jackpots  
31 intercepted pursuant to this Section and the amount of each jackpot intercepted.

32 \* \* \*

33 §24. Rulemaking authority; fees and fines, collection

34 A. The board, in accordance with the Administrative Procedure Act and R.S.  
35 27:15(B)(8), shall promulgate all rules and regulations necessary to carry out the  
36 provisions of this Title, including but not limited to the following:

37 \* \* \*

38 (5) A procedure requiring the withholding of payments of progressive slot  
39 machine annuities and cash gaming winnings of persons who have outstanding child  
40 support arrearages or owing child support overpayments, prior to the payment of a  
41 progressive slot machine annuity, beginning with the second annuity payment, or  
42 cash gaming winnings. Progressive slot machine annuities or cash gaming winnings  
43 shall include only payments for which the entity licensed or permitted under Chapter  
44 1, 4, 5, 7, or 10 of this Title is required to file form W2-G, or a substantially  
45 equivalent form, with the United States Internal Revenue Service.

46 \* \* \*

47 (b) The board or any entity licensed or permitted under Chapter 1, 4, 5, 7, or  
48 10 of this Title including any of its officers, employees, attorneys, accountants, or  
49 other agents, shall not be civilly or criminally liable to any person, including any  
50 customer, for any disclosure of information made in accordance with this Section,  
51 for encumbering or surrendering assets in response to information provided by the  
52 Department of ~~Children and Family Services~~ **Justice**, or for any claims for damages  
53 arising from withholding or failing to withhold any progressive slot machine  
54 annuities or cash gaming winnings, based upon information provided to it.

55 (c) If any entity licensed or permitted under Chapter 1, 4, 5, 7, or 10 of this  
56 Title determines that the winner of a progressive slot machine annuity or cash  
57 gaming winnings is a person who has outstanding child support arrearages or owes  
58 child support overpayments, the entity licensed or permitted under Chapter 1, 4, 5,  
59 7, or 10 of this Title shall deduct the child support arrearage or child support  
60 overpayment from the payment of the progressive slot machine annuity or cash  
61 gaming winnings. The deducted amount shall be forwarded to the Department of  
62 ~~Children and Family Services~~ **Justice** within seven days, and the entity licensed or

1 permitted under Chapter 1, 4, 5, 7, or 10 of this Title shall pay the remainder to the  
2 person who has outstanding child support arrearages or owes child support  
3 overpayments. If the remainder is equal to or less than zero, the person who has an  
4 outstanding child support arrearage or child support overpayment shall not receive  
5 a payment.

6 \* \* \*

7 (e) The board shall also require that the entity licensed or permitted under  
8 Chapter 1, 4, 5, 7, or 10 of this Title 27 adopt procedures designed to prevent  
9 employees from willfully failing to withhold payments of progressive slot machine  
10 annuities or cash gaming winnings from persons who have outstanding child support  
11 arrearages or child support overpayments, based upon the information provided by  
12 the Department of ~~Children and Family Services~~ **Justice** that allows the licensee to  
13 identify such persons.

14 \* \* \*

15 §364. Gaming Control Board; powers and duties

16 A. The board shall:

17 (1)

18 \* \* \*

19 (b) Such rules shall include:

20 \* \* \*

21 (vi) A procedure for the withholding of progressive slot machine annuities,  
22 of persons who have outstanding child support arrearages or child support  
23 overpayments. The board may require any agency reporting current child support  
24 arrearages, or overpayments of child support payments collected and distributed to  
25 a custodial parent by the child support enforcement section of the Department of  
26 ~~Children and Family Services~~ **Justice** to the board to provide information relating  
27 to such arrearages or overpayments in a manner, format, or record approved by the  
28 board. The board or any entity licensed or permitted under this Title shall not be  
29 liable for withholding or failing to withhold any progressive slot machine annuities,  
30 based upon information provided to it. The board shall enact such rules and  
31 regulations by January 1, 2007.

32 \* \* \*

33 Section 13. R.S. 28:31, 470(B)(8) and (10), and 621 are hereby amended and  
34 reenacted to read as follows:

35 §31. Findings

36 The legislature finds that there is a need for a secured residential facility for  
37 any person found not guilty of a crime by reason of insanity or found incompetent  
38 to stand trial after such person has been released from a state forensic facility.  
39 Historically, all secured residential facilities have been overseen by the Department  
40 of Children and Family Services under its authority to regulate traditional adult  
41 residential care homes. Nevertheless, it is now more appropriate and efficient for the  
42 Louisiana Department of Health **and Human Services** to license and regulate  
43 secured residential facilities serving forensic clients due to the mental health issues  
44 of the residents, the fact that the individuals are discharged from forensic hospitals  
45 operated by the Louisiana Department of Health, and the security issues involved at  
46 such facilities. Thus, the licensing of secured residential facilities serving forensic  
47 clients shall be transferred from the Department of Children and Family Services to  
48 the Louisiana Department of Health **and Human Services** and licensed as forensic  
49 supervised transitional residential and aftercare facilities in accordance with this Part.  
50 ~~The licensing of all other adult residential care homes shall remain in the Department~~  
51 ~~of Children and Family Services pursuant to R.S. 40:2151 through 2161.~~

52 \* \* \*

53 §470. Louisiana State Interagency Coordinating Council for EarlySteps: Louisiana's  
54 Early Intervention Program for Infants and Toddlers with Disabilities  
55 and Their Families

56 \* \* \*

57 B. The council shall be comprised of the following members:

58 \* \* \*

59 (8) At least one member shall be from the Louisiana Department of ~~Children~~  
60 ~~and Family Services~~ **Health and Human Services.**

61 \* \* \*

(10) One member from the Louisiana Department of ~~Children and Family Services~~ Health and Human Services who is responsible for foster care.

\* \* \*

§621. Pilot programs for children with developmental disabilities who are considered at-risk juveniles

A. The office for citizens with developmental disabilities, Louisiana Department of Health and Human Services, may provide for the establishment of pilot programs for children with developmental disabilities who are considered at-risk juveniles. The pilot programs may provide developmental disabilities services including assessment, counseling, and structured activities and living options, both as defined in this Title for juveniles referred by other agencies including but not limited to juvenile courts, the office of children and family services, and the office of juvenile justice. The pilot programs shall be operated in cooperation with other offices of the Louisiana Department of Health and Human Services, ~~the Department of Children and Family Services~~, and the Department of Public Safety and Corrections.

\* \* \*

Section 14. R.S. 29:766(G)(3) is hereby amended and reenacted to read as follows: §766. Declaration of a state of public health emergency

\* \* \*

G. Providing for promulgation of rules and protocol for the evacuation or sheltering in place of nursing homes in the event of an oncoming hurricane.

\* \* \*

(3) If a nursing home determines that it should evacuate and is unable to proceed to its sheltering host site required under R.S. 40:2009.25, the nursing home or the Louisiana Nursing Home Association shall notify the Louisiana Department of ~~Children and Family Services~~ Health and Human Services in its capacity as Emergency Support Function 6 primary lead agency and request assistance in identifying available shelter sites that best meet the needs of the resident. The state shall attempt to assist the nursing home in locating shelter space to the best of its ability based on available shelter space and in lieu thereof shall transmit the request to the Federal Emergency Management Agency or its successor.

\* \* \*

Section 15. R.S. 30:2351.53(A) is hereby amended and reenacted to read as follows: §2351.53. Reporting of lead hazards at child-occupied facilities

A. The secretary shall notify the State Board of Elementary and Secondary Education and the Louisiana Department of ~~Children and Family Services~~ Health and Human Services that notification of lead hazards, lead abatement activities, or any lead testing performed which exceeds applicable standards in any licensed day care center, preschool, or public or non-public elementary school facility first placed into operation after August 1, 2012, that qualifies as a child-occupied facility is required by this Chapter.

\* \* \*

Section 16. R.S. 33:9039.41(D)(1)(e) is hereby amended and reenacted to read as follows:

§9039.41. Southwest Acadiana Parishes Rehabilitation District

\* \* \*

D. Governance. (1) The affairs of the district shall be administered and governed by a thirteen-member board of commissioners selected as follows: three members appointed to represent the parish of Acadia, three members to represent the parish of Lafayette, three members to represent the parish of St. Landry, three members to represent the parish of Vermilion and the secretary of the Louisiana Department of ~~Children and Family Services~~ Health and Human Services.

\* \* \*

(e) One member shall be the secretary of the Louisiana Department of ~~Children and Family Services~~ Health and Human Services.

\* \* \*

Section 17. R.S. 36:3(7), 8.1(C)(8), 9(C), 108(B)(6), the heading of Chapter 6 of Title 36 of the Louisiana Revised Statutes of 1950, 251(A), (B), and (C)(1), 252(A), 254(A)(12)(b), 255, 408(B)(1), and 704(J) and (K) are hereby amended and reenacted and R.S. 36:254(A)(16), 258(N), and 704(L) are hereby enacted to read as follows:

§3. Definitions

1 As used in this Title the following terms have the following meanings unless  
2 the context clearly indicates otherwise:

3 \* \* \*

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

10 \* \* \*

11 §8.1. Litigation oversight; reports to the legislature

12 \* \* \*

13 C. The provisions of this Section shall apply to any civil action filed by the  
14 following departments or offices, including offices and agencies thereof, collectively  
15 referred to in this Section as "agency":

16 \* \* \*

17 (8) Louisiana Department of Health **and Human Services**, including, but not  
18 limited to Medicaid fraud and recovery cases, **and excluding cases brought**  
19 **pursuant to the Children's Code and Title 46 of the Louisiana Revised Statutes**  
20 **of 1950.**

21 \* \* \*

22 §9. Designation of certain organizational units; uniform terminology

23 \* \* \*

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

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

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

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

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

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

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

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

39 \* \* \*

40 §108. Offices; purposes and functions

41 \* \* \*

42 B. The office of economic development shall perform the following functions  
43 of the state:

44 \* \* \*

45 (6) It shall be responsible for job training assistance, including effective  
46 cooperation with the training programs of Louisiana Works, the Department of  
47 Education and the State Board of Elementary and Secondary Education, the Board  
48 of Regents, the Board of Supervisors of Community and Technical Colleges, ~~the~~  
49 ~~Department of Children and Family Services~~, and the Department of Public Safety  
50 and Corrections. The office shall also coordinate its training efforts with the  
51 Louisiana Workforce Investment Council.

52 \* \* \*

53 CHAPTER 6. LOUISIANA DEPARTMENT OF HEALTH **AND HUMAN SERVICES**

54 §251. Louisiana Department of Health **and Human Services**; creation; domicile;  
55 composition; purpose and functions

56 A. The Louisiana Department of Health **and Human Services** is created and  
57 shall be a body corporate with the power to sue and be sued. The domicile of the  
58 department shall be in Baton Rouge where it shall maintain its principal offices, but  
59 the secretary may maintain branch offices if he deems it in the best interest of the  
60 efficient administration of the department; however, the principal offices of the  
61 office of public health may be located and maintained in the parish of Orleans.

1 B. The Louisiana Department of Health **and Human Services**, through its  
2 offices and officers, shall be responsible for the development and providing of health  
3 and medical services for the prevention of disease for the citizens of Louisiana. The  
4 Louisiana Department of Health **and Human Services** shall provide health and  
5 medical services for the uninsured and medically indigent citizens of Louisiana. The  
6 secretary and the chancellor of the Louisiana State University Health Sciences  
7 Center shall provide for coordination in the delivery of services provided by the  
8 Louisiana State University Health Sciences Center with those services provided by  
9 the Louisiana Department of Health, local health departments, and federally qualified  
10 health centers, including but not limited to the following:

- 11 (1) Services for any of the following persons:
- 12 (a) Persons with mental illness.
- 13 (b) Persons with intellectual disabilities.
- 14 (c) Persons with developmental disabilities.
- 15 (d) Persons with addictive disorders.
- 16 (2) Public health services.
- 17 (3) Services provided under the medical assistance program (Medicaid).

18 C.(1) The Louisiana Department of Health **and Human Services** shall be  
19 composed of the executive office of the secretary, the office of the surgeon general,  
20 the office of management and finance, the office of public health, the office of  
21 behavioral health, the office for citizens with developmental disabilities, the office  
22 of aging and adult services, the office on women's health and community health, and  
23 such other offices as shall be created by law.

24 \* \* \*

25 §252. Officers of the department; compensation for one office only

26 A. The officers of the department shall be the secretary, the surgeon general,  
27 the undersecretary, the deputy secretary **of child welfare, the deputy secretary of**  
28 **health** ~~if a deputy secretary is appointed~~, and assistant secretaries, each of whom  
29 shall be selected and shall perform functions as provided in this Title.

30 \* \* \*

31 §254. Powers and duties of the secretary of the Louisiana Department of Health

32 A. In addition to the functions, powers, and duties otherwise vested in the  
33 secretary by law, he shall:

34 \* \* \*

35 (12)

36 \* \* \*

37 (b) "Priority health care zone" means any parish or municipality listed as one  
38 of the ten parishes or twenty-five municipalities with the highest rates of infant  
39 mortality, teenage pregnancy, or substance abuse in Louisiana as of July first of any  
40 given year according to statistics compiled by the Louisiana Department of Health  
41 **and Human Services** and the ~~Department of Children and Family Services~~.

42 \* \* \*

43 **(16) Direct and be responsible for the administration of child welfare**  
44 **services including but not limited to:**

45 **(a) Administer and supervise all forms of child welfare protection and**  
46 **public assistance including financial assistance and the coordination of wrap**  
47 **around physical and behavioral healthcare services, as considered appropriate,**  
48 **through coordination with the other program offices within the department and**  
49 **agencies and institutions of the state and federal governments.**

50 **(b) Act as the agent of the state to cooperate with the federal government**  
51 **in child welfare matters and in the administration of any federal funds granted**  
52 **to the state to aid in the furtherance of any functions of the department, and be**  
53 **empowered to meet federal standards as may be established for the**  
54 **administration of federal funds.**

55 **(c) Administer and supervise all public child welfare activities relative**  
56 **to children who are dependent, neglected, delinquent, or have physical,**  
57 **intellectual, or mental disabilities; establish, extend, and strengthen services for**  
58 **children in parish or regional offices; license and supervise all parish,**  
59 **municipal, and private agencies, institutions, and individuals, caring for**  
60 **children, including visitorial powers, under the rules and regulations of the**  
61 **department; contract with private individuals to hold their homes open for and**

1 to care for children in need of temporary or long time foster care and provide  
 2 other services for children as may be authorized by law.

3 (d) Administer federal, state, parish, municipal, or private funds as may  
 4 be made available for child welfare purposes.

5 (e) Administer all public assistance funds and child welfare funds, and  
 6 estimate the moneys to be credited to the assistance fund from state and federal  
 7 sources for the ensuing fiscal year and allocate the total amount estimated to be  
 8 available.

9 (f) Whenever and wherever practicable to enter into reciprocal  
 10 agreements with child welfare agencies from other states relative to the  
 11 provision of public assistance to residents and nonresidents and cooperate with  
 12 other states and with any authorized agencies of the federal government in  
 13 providing aid provided the agreements are approved by the attorney general.

14 (g) Administer additional child welfare functions as are hereby or may  
 15 hereafter be vested in it by laws.

16 (h) Administer or supervise all state institutions and agencies providing  
 17 services or care for children who are dependent, delinquent, or have physical,  
 18 intellectual, or mental disabilities, where the administrative or supervisory  
 19 authority is specifically transferred to the department in accordance with law.

20 (i) Construct and operate state supported detention facilities, and  
 21 reception, diagnostic, and treatment centers for children who are found by the  
 22 courts to be in need of care or treatment in these types of facilities. Nothing  
 23 contained in this Section shall be construed as preventing any parish or  
 24 municipality from continuing to operate its own facilities, or from subsequently  
 25 constructing and operating its own facilities for the care of children.

26 (j) Establish child protection centers wherever they are practical  
 27 throughout the state; provide the necessary staff; coordinate the funding of the  
 28 centers from federal, state, parish, municipal, or private funds as they become  
 29 available; administer child protection centers for the care, treatment, and  
 30 protection of abused children, and establish rules and regulations to further the  
 31 protection centers. When centers are established, they shall provide protection  
 32 and emergency care, investigation, treatment, and rehabilitation of children and  
 33 parents, education programs, record keeping, research, and consultation and  
 34 shall develop programs for volunteer participation and seek long-range  
 35 solutions for child abuse.

36 (k) Make care coordination and advocacy services available for child  
 37 victims of child sex trafficking as follows:

38 (i) Care coordination services may include emergency and ongoing  
 39 multidisciplinary coordination and service planning with key agencies to  
 40 address medical, psychological, safety, housing, and other emergency and long-  
 41 term needs of the child and the investigative needs of law enforcement.

42 (ii) Based on the needs of the child and the child's family, advocacy  
 43 services may include:

44 (aa) Face-to-face visits to include emotional support.

45 (bb) Development, implementation, and updates to safety plans.

46 (cc) Communication and advocacy on the child's behalf with care  
 47 coordinators.

48 (dd) Assistance with referrals and implementation of services.

49 (ee) Twenty-four hour on-call crisis assistance to respond to the needs of  
 50 the child.

51 (ff) Assistance with transportation and other physical needs.

52 (gg) Support work with the family to develop safety procedures based on  
 53 the particular situation and the child's needs.

54 (hh) Education on how to monitor and address the child's internet  
 55 access, messaging, and telephone contacts.

56 \* \* \*

57 §255. Deputy secretary secretaries; child welfare; program offices

58 A. There shall be a deputy secretary of child welfare who is responsible  
 59 for the office of child welfare. The deputy secretary of child welfare shall be  
 60 appointed by the secretary with consent of the Senate and shall serve at the  
 61 pleasure of the secretary at a salary fixed by the secretary, which salary shall  
 62 not exceed the amount approved for such position by the legislature while in

1 **session. The duties and functions of the deputy secretary of child welfare shall**  
2 **be determined and assigned by the secretary.**

3 **B. There may shall be a deputy secretary of the department who is the chief**  
4 **operating officer for the program offices established pursuant to R.S. 36:258,**  
5 **other than the office of child welfare.,** who shall be appointed by the secretary with  
6 consent of the Senate and who shall serve at the pleasure of the secretary at a salary  
7 fixed by the secretary, which salary shall not exceed the amount approved for such  
8 position by the legislature while in session. The duties and functions of the deputy  
9 secretary shall be determined and assigned by the secretary. ~~If appointed, he~~ **The**  
10 **deputy secretary appointed pursuant to this Subsection** shall serve as acting  
11 secretary in the absence of the secretary.

12 \* \* \*

13 §258. Offices; purposes and functions

14 \* \* \*

15 **N. The office of child welfare shall provide for the public child welfare**  
16 **functions of the state including but not limited to centralized intake; child**  
17 **protective services; human trafficking programs; making permanent plans for**  
18 **foster children and meeting their daily maintenance needs for food, shelter,**  
19 **clothing, necessary physical medical services, school supplies, and incidental**  
20 **personal needs; adoption placement services for foster children freed for**  
21 **adoption; prevention services that promote, facilitate, and support activities to**  
22 **prevent child abuse and neglect, including but not limited to voluntary family**  
23 **strengthening and support services; issuing and monitoring domestic violence**  
24 **services contracts; and other programs as assigned by the secretary.**

25 \* \* \*

26 §408. Offices; purposes and functions

27 \* \* \*

28 B.(1) The office of state police shall perform the functions of the state related  
29 to the enforcement of the criminal and traffic laws of the state, **the central intake**  
30 **of reports of child maltreatment,** and the maintenance of intelligence and  
31 investigative operations, all in accordance with applicable laws. It shall also provide  
32 a basic training curriculum in security work for all security personnel employed at  
33 the capitol complex, administrative state office buildings, and state hospitals and  
34 may provide, upon request, such training for security personnel in other state  
35 operated facilities, except for state colleges and universities. It shall be responsible  
36 only for such data processing related to the operations of the office as shall be  
37 absolutely required to be performed in such office by the nationally applicable  
38 standards of the National Crime Information Center and the Louisiana Bureau of  
39 Criminal Identification and Information.

40 \* \* \*

41 §704. Divisions of the department; functions

42 \* \* \*

43 **J. There shall be within the Department of Justice a child support**  
44 **enforcement division. It shall be responsible for the administration of child**  
45 **support programs pursuant to Title IV-D of the Social Security Act, including**  
46 **but not limited to enforcing, collecting, and distributing support obligations,**  
47 **establishing paternity, obtaining and modifying child and medical support**  
48 **orders, and functions and duties as are assigned by the attorney general.**

49 ~~J. K.~~ **K.** The duties and functions of the divisions shall be as provided in this  
50 Section and these duties and functions shall not be subject to change by the attorney  
51 general, except that the divisions shall perform such additional duties and functions  
52 as are assigned by the attorney general.

53 ~~K. L.~~ **L.** Whenever the attorney general determines that the administration of the  
54 functions of the department may be more efficiently performed by eliminating,  
55 merging, or consolidating existing divisions, he shall present a plan therefor to the  
56 legislature for its approval by statute.

57 Section 18. R.S. 37:1021, 1023(A) and (B), 1024(B)(5), 1025(A)(2), and 1031(B)  
58 are hereby amended and reenacted to read as follows:

59 §1021. Applicability

60 This Part shall apply only to the office for citizens with developmental  
61 disabilities and the office of aging and adult services of the Louisiana Department

1 of Health **and Human Services**, to community homes for persons with  
2 developmental disabilities funded through the Louisiana Department of Health **and**  
3 **Human Services**, to intermediate care facilities for people with developmental  
4 disabilities, and to in-home Medicaid home- and community-based services. This  
5 Part shall apply to any program or agency contracting for services with the Louisiana  
6 Department of Health **and Human Services** ~~or the Department of Children and~~  
7 ~~Family Services~~. Participation on the part of private providers that contract with the  
8 Louisiana Department of Health **and Human Services** ~~or the Department of~~  
9 ~~Children and Family Services~~ is strictly voluntary.

10 \* \* \*

11 §1023. Drug administration course; certification of medication attendants; rules;  
12 instructor training courses; fees

13 A. Drug administration courses shall be established by the office of the  
14 secretary of the Louisiana Department of Health in conjunction with the Louisiana  
15 State Board of Nursing and the Louisiana State Board of Practical Nurse Examiners  
16 and as approved by the secretary of the Louisiana Department of Health. Persons  
17 who have successfully completed the course and passed a qualifying examination  
18 shall be permitted to administer certain medications to residents of facilities operated  
19 by the office for citizens with developmental disabilities or community homes for  
20 persons with developmental disabilities funded through the Louisiana Department  
21 of Health **and Human Services** ~~or the Department of Children and Family Services~~  
22 and to persons receiving in-home Medicaid home- and community-based services  
23 and shall be known as medication attendants. The course shall include but not be  
24 limited to instruction of the legal aspects, roles, and responsibilities of drug  
25 administration, definitions, terminology, classification, measurement, identification,  
26 effects, distribution, and the care and handling of drugs.

27 B. Fees for the drug administration courses shall be determined by the office  
28 of the secretary of the Louisiana Department of Health **and Human Services**. The  
29 cost of implementation will be reimbursed to providers with contracts by the  
30 Louisiana Department of Health **and Human Services** ~~or the Department of~~  
31 ~~Children and Family Services~~.

32 \* \* \*

33 §1024. Authorized and prohibited functions of medication attendants

34 \* \* \*

35 B. The prohibited functions of the medication attendant are:

36 \* \* \*

37 (5) May not administer medication in an acute care unit funded or operated  
38 by the Louisiana Department of Health **and Human Services** ~~and/or the Department~~  
39 ~~of Children and Family Services~~.

40 \* \* \*

41 §1025. Qualifications of applicants to the drug administration course

42 A. Each person accepted to participate in the drug administration course shall  
43 be:

44 \* \* \*

45 (2) Employed in a facility operated by the office for citizens with  
46 developmental disabilities, in a community home for persons with developmental  
47 disabilities funded through the Louisiana Department of Health **and Human**  
48 **Services** ~~or the Department of Children and Family Services~~, or in an intermediate  
49 care facility for people with developmental disabilities, or be a person who provides  
50 in-home Medicaid home- and community-based services.

51 \* \* \*

52 §1031. Applicability

53 \* \* \*

54 B. As used in this Part, the term "residence" shall not include any  
55 intermediate care facility for people with developmental disabilities, any nursing  
56 home, or any other facility licensed by the Louisiana Department of Health **and**  
57 **Human Services** ~~or the Department of Children and Family Services~~.

58 \* \* \*

59 Section 19. R.S. 39:33(A)(2), 36(A)(3)(b)(ix)(dd), 100.181(A), 362(F), the  
60 introductory paragraph of 1554(N)(1) and 1554(N)(3), and 1590(B)(4) are hereby amended  
61 and reenacted to read as follows:

62 §33. Agency budget request; time of submission; standing committees

A.

\* \* \*

(2) Except as limited, restricted, or otherwise prohibited by the Constitution of Louisiana, simultaneously with budget units submitting their budget requests to the governor, Louisiana Economic Development, the Department of Public Safety and Corrections, ~~the Department of Children and Family Services~~, Louisiana Works, the Louisiana Department of Health **and Human Services**, the Department of Education, the State Board of Elementary and Secondary Education, the Board of Regents, and in the office of the governor, the Department of Veterans Affairs and the Offices of Lifelong Learning, Workforce Development, Elderly Affairs, and Women's Services shall submit a copy of their workforce budget requests to the Louisiana Workforce Investment Council, as created in R.S. 23:2042, for the commission's review, modification, and approval of funding to be incorporated into the executive budget.

\* \* \*

§36. Contents and format of executive budget; supporting document

A. The executive budget shall present a complete financial and programmatic plan for the ensuing year, and it shall be configured in a format so as to clearly present and highlight the functions and operations of state government and the financial requirements associated with those functions and operations. The executive budget shall be a performance-based budget and as such may include key objectives and key performance indicators. The commissioner of administration may designate key objectives and key performance indicators to be included in the executive budget. Additionally, the executive budget shall include at a minimum the following:

\* \* \*

(3) Comparative statements for each department and budget unit by the means of financing of the existing operating budget for a date certain to be established by the budget office for the current fiscal year and recommended expenditures for the ensuing fiscal year. All such comparative statements shall include the following:

\* \* \*

(b) Reports of all discretionary and nondiscretionary expenditures, or estimates of discretionary or nondiscretionary expenditures, itemized by means of finance, department, and functional area. As used in this Part, "nondiscretionary expenditures" includes but is not limited to expenditures which must be funded because of the following constitutional and other mandates:

\* \* \*

(ix) Expenditures for unavoidable obligations:

\* \* \*

(dd) Family preservation and children services provided by the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services**.

\* \* \*

§100.181. Continuum of Care Fund

A. There is hereby established in the state treasury as a special fund the Continuum of Care Fund, hereafter referred to in this Section as the "fund". Monies appropriated or transferred to the fund shall be deposited by the state treasurer after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be credited to the fund. Until December 1, 2024, unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. The treasurer is hereby authorized and directed to transfer any unexpended and unencumbered monies in the fund on December 1, 2024, and any interest attributable to such funds, to the Louisiana Rescue Plan Fund. Monies in the fund shall be used by the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services** to fund continuum of care initiatives.

\* \* \*

§362. Policies for fleet vehicles; purchase of vehicles; specifications; exceptions

\* \* \*

F. The commissioner of administration shall not promulgate rules or regulations which require the Louisiana School for the Deaf, the Louisiana School

1 for the Visually Impaired, the Special School District, and any community and group  
2 home and residential facilities administered by ~~the Department of Children and~~  
3 ~~Family Services~~ or the Louisiana Department of Health **and Human Services** to  
4 have an inscription, painting, stencil, or decal placed conspicuously on an  
5 automobile, truck, or other vehicle with the name of the board, commission,  
6 department, agency, or subdivision of the state to which the automobile, truck, or  
7 other vehicle belongs, if the vehicle is used to transport students or clients.

8 \* \* \*

9 §1554. Application of this Chapter

10 \* \* \*

11 N.(1) This Chapter shall not apply to those personal, professional, or social  
12 services provided to the clients of the Louisiana Department of Health **and Human**  
13 **Services**, ~~the Department of Children and Family Services~~, **or** the office of special  
14 education services within the Department of Education, provided that the expense  
15 for these special education services is five thousand dollars or less per child,  
16 corrections services within the Department of Public Safety and Corrections, or the  
17 office of juvenile justice within the Department of Public Safety and Corrections, in  
18 the following circumstances:

19 \* \* \*

20 (3) This Chapter shall not apply to the use of professional services of  
21 physicians who provide consultative examinations regarding applicants for disability  
22 benefits under the Social Security Act by the disability determinations services of the  
23 Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
24 **Services**.

25 \* \* \*

26 §1590. Reporting of certain professional, personal, consulting, and social services  
27 contracts for Fiscal Year 2015-2016 through Fiscal Year 2017-2018

28 \* \* \*

29 B. Notwithstanding any provision of law to the contrary, this Section shall  
30 not apply to the following professional, personal, or consulting service contracts:

31 \* \* \*

32 (4) Contracts of a district attorney necessary to perform any constitutional,  
33 discretionary, or statutory function of the office, or to perform services under the  
34 child support enforcement program administered by the Department of ~~Children and~~  
35 ~~Family Services~~ **Justice** in accordance with the federal requirements of Title IV-D  
36 of the Social Security Act and corresponding state laws and regulations.

37 \* \* \*

38 Section 20. R.S. 40:31.3(B)(2), 34.5(E), 41(N), 46.12(D) and (F), 79(A)(1) and  
39 (C)(2), 600.91(A)(28)(b)(ii)(dd), 1061.14(B)(3)(b)(i), 1061.17(C)(1)(e), 1061.17.1(8),  
40 1061.21(A)(5)(c)(i) and (vi) and (E), and 1086.11 are hereby amended and reenacted to read  
41 as follows:

42 §31.3. Adolescent school health initiative; health centers in schools

43 \* \* \*

44 B. The office of public health shall:

45 \* \* \*

46 (2) Convene and participate in an intergovernmental coordinating council  
47 which shall be composed of representatives from the departments of education,  
48 ~~children and family services~~, health **and human services**, and other governmental  
49 entities or programs related to health services to assist in implementation, oversight,  
50 and funding assistance for health centers in schools.

51 \* \* \*

52 §34.5. Original birth certificate; required contents; name of father

53 \* \* \*

54 E. Nothing in this Section shall preclude the Department of ~~Children and~~  
55 ~~Family Services~~ **Justice**, ~~office of children and family services~~, ~~child support~~  
56 ~~enforcement section~~ from obtaining an admission of paternity from the biological  
57 father for submission in a judicial proceeding, or prohibit the issuance of an order in  
58 a judicial proceeding which bases a legal finding of paternity on an admission of  
59 paternity by the biological father and on any other additional showing required by  
60 state law.

61 \* \* \*

62 §41. Disclosure of records

\* \* \*

N. The state registrar shall issue the following records to the office of child welfare in the Louisiana Department of Children and Family Services Health and Human Services upon the written request of ~~an the~~ office of the department:

(1) A certified copy of a birth certificate of a child placed in the custody of the Louisiana Department of Children and Family Services Health and Human Services.

(2) A certified copy of a death certificate of a child who was in the custody of the Louisiana Department of Children and Family Services Health and Human Services at the time of his death.

(3) A certified copy of a death certificate of a parent of a child placed in the custody of the Louisiana Department of Children and Family Services Health and Human Services.

\* \* \*

§46.12. Hospital-based paternity program

\* \* \*

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

\* \* \*

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

\* \* \*

§79. Record of adoption decree

A.(1) Whenever a final decree of adoption shall be entered, the clerk of court shall forward, on a form supplied by the Louisiana Department of Children and Family Services Health and Human Services, his certificate of the decree to the state registrar who shall make a new certificate of live birth of the person adopted, in the new name if the name has been changed in the decree.

\* \* \*

C. A person born in a foreign country who is adopted in the state of Louisiana, but who is not a United States citizen, or who is a naturalized United States citizen, and a person born in a foreign country and adopted outside the United States by adoptive parents who are residents of the state of Louisiana at the time of the adoption, may obtain a new birth certificate according to the following conditions, limitations, and procedures:

\* \* \*

(2) Where the certified copy of the original birth certificate of the adopted person and certified translation are not available, the court having jurisdiction of adoptions in the parish, upon evidence presented by the Louisiana Department of Children and Family Services Health and Human Services from information secured at the port of entry or upon evidence from other reliable sources, may make findings on the date, place of birth, and parentage of the adopted person. Upon receipt of a certified copy of such findings of the court, together with a certified copy of the order or decree of adoption, the state registrar shall prepare a birth certificate in the new name of the adopted person and shall seal and file the certified copy of the findings of the court and the certified copy of the order or decree of adoption.

\* \* \*

§600.91. Powers and duties of the corporation

A. The corporation shall have the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including the following powers in addition to all other powers granted by other provisions of this Chapter:

\* \* \*

(28)

\* \* \*

(b)

\* \* \*

(ii) The commission shall be comprised of the following members:

1 \* \* \*  
2 (dd) The secretary of the Louisiana Department of ~~Children and Family~~  
3 ~~Services~~ Health and Human Services, or his designee.

4 \* \* \*  
5 §1061.14. Minors

6 \* \* \*  
7 B. The following provisions shall apply to all applications for court orders  
8 by minors seeking abortions and appeals from denials of applications:

9 \* \* \*  
10 (3)

11 \* \* \*  
12 (b)(i) Prior to such ex parte hearing, the court may require the minor to  
13 participate in an evaluation and counseling session with a mental health professional  
14 from the Louisiana Department of Health, office of behavioral health, or a staff  
15 member from the Louisiana Department of ~~Children and Family Services~~ Health  
16 and Human Services, office of ~~children and family services~~ child welfare, or both.  
17 The court may refer the petitioner, if necessary, to the appropriate Louisiana  
18 Department of Health and Human Services, office of behavioral health regional  
19 office to arrange the evaluation and counseling session within the four- day period  
20 prior to the ex parte hearing, as provided in this Paragraph. This referral may be  
21 made by the clerk upon the minor's filing the application when the court has issued  
22 a standing order authorizing same and the circumstances fit the criteria of the  
23 standing order therefor.

24 \* \* \*  
25 §1061.17. Woman's right to know

26 \* \* \*  
27 C.

28 (1) The department shall cause to be published in English, within one  
29 hundred twenty days after enactment of this Act, and shall update on an annual basis,  
30 or as needed, the following easily comprehensible information on a stable internet  
31 website that shall be developed and maintained by the department to inform the  
32 public of the public and private agencies and services available to assist a woman  
33 through pregnancy, upon childbirth, and while her child is dependent, including but  
34 not limited to the following information that shall indicate the agency's or service's  
35 physical address, telephone number, and web address if available:

36 \* \* \*  
37 (e) Information on a separate and featured webpage created and maintained  
38 by the Louisiana Department of ~~Children and Family Services~~ Health and Human  
39 Services linked on the department's website, accessible by redirecting from the  
40 domain name AdoptionOption.La.Gov, that lists public and private nonprofit  
41 adoption agencies that are not affiliated with an abortion provider, along with easily  
42 comprehensible first steps to aid a pregnant woman seeking to confidentially explore  
43 the option of placing her child for adoption, and indicating whether the adoption  
44 agency allows the woman to choose the adoptive parents.

45 \* \* \*  
46 §1061.17.1. Development of AdoptionOption.La.Gov website; task force

47 The legislature hereby establishes a task force within the Louisiana  
48 Department of Health and Human Services to advise the secretary of the  
49 department concerning the preparation of the printed and internet materials provided  
50 for in R.S. 40:1061.17(C)(1)(e) and (D), and to develop public education initiatives  
51 to publicize the information in a manner consistent with state law. The task force  
52 shall be composed of the following members:

53 \* \* \*  
54 (8) The secretary of the Louisiana Department of Health and Human  
55 Services or his designee, who shall serve as a ~~co-chairperson~~ chairperson of the task  
56 force.

57 \* \* \*  
58 §1061.21. Reports

59 A. An individual abortion report for each abortion performed or induced shall  
60 be completed by the attending physician. The report shall be confidential and shall  
61 not contain the name or address of the woman. The report shall include all of the  
62 following:

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\* \* \*

(5)

\* \* \*

(c) If the pregnant woman is a minor and the abortion was performed pursuant to a judicial bypass order as provided for in R.S. 40:1061.14, the report shall include all of the following:

(i) A notation indicating whether or not the minor was required to participate in an evaluation and counseling session with a mental health professional from the Louisiana Department of Health or a staff member from the Louisiana Department of ~~Children and Family Services~~ Health and Human Services as provided for in R.S. 40:1061.14(B)(3)(b).

\* \* \*

(vi) A notation of whether or not the physician or any other staff member of the abortion facility referred the woman to the Louisiana Department of Health and Human Services or the ~~Department of Children and Family Services~~ for any health services or other human services.

\* \* \*

E. The Louisiana Department of Health and Human Services shall, on a quarterly basis, provide to ~~the Department of Children and Family Services~~ and to the attorney general copies of all abortion reports in which a minor pregnant woman under the age of thirteen received an abortion.

\* \* \*

§1086.11. Physician notification

A. If a newborn exhibits symptoms of withdrawal or other observable and harmful effects in his physical appearance or functioning that a physician believes are due to the use of a controlled dangerous substance, as defined by R.S. 40:961 et seq., in a lawfully prescribed manner by the mother during pregnancy, the physician shall make a notification to the Louisiana Department of ~~Children and Family Services~~ Health and Human Services on a form developed by the department. Such notification shall not constitute a report of child abuse or prenatal neglect, nor shall it require prosecution for any illegal action.

B. A healthcare provider shall be authorized to share any protected health information, as defined in 45 CFR 160.103, with the Louisiana Department of ~~Children and Family Services~~ Health and Human Services for the purpose of complying with the notification requirement of this Subpart.

C. The Louisiana Department of ~~Children and Family Services~~ Health and Human Services shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Subpart. Such rules shall include, at minimum, all of the following:

- (1) The manner in which the notification shall be made to the department.
- (2) The form and minimum required contents of the notification.
- (3) The plan to monitor the statewide system regarding the availability and delivery of appropriate services for newborns and affected families and caretakers.

D. A physician who in good faith makes a notification to the Louisiana Department of ~~Children and Family Services~~ Health and Human Services in compliance with this Section shall have no civil or criminal liability for damage or injury arising from that notification, unless the damage or injury was caused by the physician's willful or wanton misconduct or gross negligence.

Section 21. 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~~ Louisiana Department of Health and Human Services for the recruitment of foster or adoptive parents.

\* \* \*

Section 22. R.S. 44:38 is hereby amended and reenacted to read as follows:  
§38. Access to records involved in legislative studies

1 Notwithstanding any other law to the contrary, the custodian of records of the  
 2 Louisiana Department of Health and Human Services Children and Family  
 3 Services, office of children and family services, and the custodian of records of each  
 4 juvenile court or any court which hears and decides juvenile matters shall grant  
 5 access to a percentage, as specified by the legislative committee, of the total records  
 6 of defined classes of children in state custody or in foster care to any committee of  
 7 the legislature acting pursuant to an appropriate legislative instrument directing the  
 8 committee to study procedures or outcomes of cases involving children in state  
 9 custody or in foster care. The size of the specific group to be studied shall be large  
 10 enough to preserve the anonymity of individual children. Such access shall be  
 11 limited to that purpose, and all information regarding names or other identifiers shall  
 12 be removed. Information pertaining to children who have been adopted shall be  
 13 strictly confidential and shall be released only in accordance with existing laws.

14 Section 23. R.S. 46:1(2), (4), and (6), 2(A) and (B), 16, the heading of Chapter 2 of  
 15 Title 46 of the Louisiana Revised Statutes of 1950, the heading of Part I of Chapter 2 of Title  
 16 46 of the Louisiana Revised Statutes of 1950, 51.3, 52.1(A), 54, 56(A), (B)(1) and (3), and  
 17 (F)(4)(b), the introductory paragraph of 56(F)(9) and 56(F)(9)(h), 59, 60, 107(A)(1) and (2),  
 18 114(A) and (B), the introductory paragraph of 114(C)(1), 114(C)(2), (D), and (E)(1), 114.2,  
 19 114.3(A) and (B), 116, 123(A)(2)(a)(vi), 230.1(A) and (B), 231(11) and (24), 231.4(A) and  
 20 (D), 232(A), the introductory paragraph of 233.1(C), the introductory paragraph of 233.1(D),  
 21 236, 236.1.1(3), (5), and (16), 236.1.4(C) and (E), 236.1.7(B), 236.1.8(D), 236.1.9(B),  
 22 236.1.12(C) and (F)(2), 236.3(A)(2) and (G), the introductory paragraph of 236.5(A),  
 23 236.6(A)(1), (C), (E), and (G), 236.7(A)(1), (B)(1), and (F), 236.8(A) and (G)(5) and (6),  
 24 236.9(B), (G), and (K), 236.10(A), (D), and (E), 236.11(A), (B)(2), and (C), 236.12(B)(1),  
 25 236.13(A), 236.14(C), the introductory paragraph of 236.14(D)(1), the introductory  
 26 paragraph of 236.14(D)(2), (E)(2)(b), (G)(1) and (2), and (J), 236.15(A)(1), 236.16, 237(A),  
 27 (C)(5), and (E) through (G), 238(B) through (D), the introductory paragraph of 238(E),  
 28 238(E)(7) and (F) through (H), 281, 282(A) through (C), 283(A), (B), and (C)(1)(b), the  
 29 introductory paragraph of 285(A), 285(B), (C), (E), (H), and (I), 286, 286.1(A), (B), (C)(1)  
 30 and (3), the introductory paragraph of 286.1(D), 286.1(D)(2), (E)(2), (F), (G), and (J), the  
 31 introductory paragraph of 286.2(A) and 286.2(B), 286.12, the introductory paragraph of  
 32 286.13(3) and 286.13(E), 286.16(B), 288.2(1) and (2), 352(1)(a), 356, 401, 441, 443, 444,  
 33 447, 447.3, 448, the introductory paragraph of 450(A), 450.1(A), 460.1, 460.5(A), 460.7(A)  
 34 and (C), 460.8(A)(1) and (B), 460.10, 932(12), 972.1(A)(1), 1002(A), the introductory  
 35 paragraph of 1002(B) and 1002(C), 1251(B), 1259(B), 1352(1) and (2), 1353(D) and (G),  
 36 1402, 1403(3), 1404(B), 1414.1(A), 1425(C), the introductory paragraph of 1427, 1428(B)  
 37 through (D), 1430(A)(1) and (D)(2), 1442.1(2) and (3), 1442.2(A) and (C), 1445.3(1) and  
 38 (3), 1445.4, 1445.13(A), 1451(1) and (3), 1844(W)(1)(a), (3), and (5)(a) and (c), 1906.2,  
 39 2122, 2136.2(F), 2145(A), 2147(D), 2148(B)(1), the introductory paragraph of 2161(A),  
 40 2161(B), and (C), the introductory paragraph of 2161.1(A) and 2161.1(C), 2169.1(9),  
 41 2402(4), 2404(B)(1)(b), 2406(G), 2411(2), 2552, 2553, 2605(B)(11), 2605.1(B)(2) and (3),  
 42 2607(C)(1)(f), and 2758.2(A) are hereby amended and reenacted and R.S. 46:107(E) is  
 43 hereby enacted to read as follows:

44 §1. Definitions

45 As used in this Title, the following definitions shall apply:

46 \* \* \*

47 (2) "Department" means ~~the Department of Children and Family Services~~  
 48 Louisiana Works or the Louisiana Department of Health and Human Services.

49 \* \* \*

50 (4) "Parish or district office" means parish or district office of ~~the Department~~  
 51 ~~of Children and Family Services~~ Louisiana Works or the Louisiana Department of  
 52 Health and Human Services.

53 \* \* \*

54 (6) "Secretary" means the secretary of ~~the Department of Children and~~  
 55 ~~Family Services~~ Louisiana Works or the Louisiana Department of Health and  
 56 Human Services.

57 \* \* \*

58 §2. Administration of oaths

59 A. Employees of ~~the office of children and family services of the Louisiana~~  
 60 ~~Department of Children and Family Services~~ Health and Human Services and  
 61 employees of the parish or district offices of the department, including the New

1 Orleans Department of Health, may administer oaths and pass authentic acts in  
2 connection with any documents relative to relief or assistance now or to be furnished  
3 by the state or any political subdivision under the provisions of this Title or the  
4 provisions of the Social Security Act, as either may be amended.

5 B. Employees of ~~the office of children and family services~~ of the Louisiana  
6 Department of ~~Children and Family Services~~ **Health and Human Services** and  
7 employees of the parish or district offices of the department may administer oaths  
8 and pass authentic acts, except acts of voluntary surrender under R.S. 9:402, in  
9 connection with any documents relative to services now or to be furnished by the  
10 state or any political subdivision, either directly or through contractual agreement,  
11 under the provisions of this Title or the provisions of the Social Security Act.

12 \* \* \*

13 §16. Sale or lease of state-owned facilities; procedure

14 In the event that any state facility owned or operated by ~~the Department of~~  
15 ~~Children and Family Services~~, the Louisiana Department of Health **and Human**  
16 **Services**; or the Department of Public Safety and Corrections should permanently  
17 cease operations or should permanently vacate the premises of one facility and move  
18 to the premises of another facility, the secretary of the appropriate department is  
19 hereby authorized to sell or lease to the highest bidder the property, buildings, and  
20 all other appurtenances of the state-owned facility which has been permanently  
21 closed or vacated. The respective secretary shall, when the facilities are offered for  
22 sale or lease, follow those procedures set forth in R.S. 41:131 et seq. relative to the  
23 sale of public land or R.S. 41:1211 et seq. relative to the lease of public land;  
24 provided however, the Joint Natural Resources Oversight Committee approves the  
25 proposed sale or lease.

26 \* \* \*

27 CHAPTER 2. LOUISIANA DEPARTMENT OF CHILDREN AND  
28 FAMILY SERVICES **HEALTH AND HUMAN SERVICES**  
29 PART I. ORGANIZATION **PUBLIC ASSISTANCE**

30 \* \* \*

31 §51.3. Criminal history information; access to federal tax information

32 The Louisiana Department of ~~Children and Family Services~~, office of child  
33 ~~support enforcement and family support~~, **Health and Human Services** is authorized  
34 to perform criminal history records checks of current and prospective employees,  
35 contractors, and subcontractors in accordance with the procedures provided in R.S.  
36 15:587.5. Pursuant to this authorization and to implement the requirements of R.S.  
37 15:587.5, the secretary shall promulgate rules and regulations with regard to this  
38 matter.

39 \* \* \*

40 §52.1. Integrated case management; service integration of various social service  
41 programs

42 A. The legislature recognizes that the Louisiana Department of Health **and**  
43 **Human Services**, ~~Department of Children and Family Services~~, and Louisiana  
44 Works provide services to individuals with multiple needs. However, the  
45 conventional service delivery system of requiring individuals to access various  
46 offices within the state to address those multiple needs creates barriers to the delivery  
47 of those services and entry into the workforce. These needs can be better met, more  
48 efficiently and less costly, through integrated case management at a single service  
49 location with a single case worker. It is the intent of the legislature to streamline the  
50 delivery of services and incorporate integrated case management models for clients  
51 and families served by multiple departments and programs.

52 \* \* \*

53 §54. Parish offices

54 A. There shall be in each parish of the state a parish office of the department;  
55 provided that the department may unite two or more parishes and form a district  
56 office. All duties and responsibilities set forth in this Chapter for parish offices shall  
57 also apply to the district offices.

58 B. Under rules and regulations of the department, the field and district  
59 offices shall administer all forms of public assistance within the department's  
60 purview in respective parishes.

61 \* \* \*

1 §56. Applications and client case records; definitions; confidentiality; waiver;  
2 penalty

3 A. Applications for assistance and information contained in case records of  
4 clients of the Louisiana Department of Health **and Human Services**, ~~the Department~~  
5 ~~of Children and Family Services~~ **Louisiana Works**, or the office of elderly affairs,  
6 for the purpose of adult protective services, shall be confidential and, except as  
7 otherwise provided, it shall be unlawful for any person to solicit, disclose, receive,  
8 make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use  
9 of applications or client case records or the information contained therein for any  
10 purpose not directly connected with the administration of the programs of the  
11 department.

12 B.(1) For the purposes of this Section, "department" means the Louisiana  
13 Department of Health **and Human Services**, ~~the Department of Children and Family~~  
14 ~~Services~~ **Louisiana Works**, and the adult protection agency as provided in R.S.  
15 15:1503. It is the express intent of this Section that the Louisiana Department of  
16 Health **and Human Services**, ~~the Department of Children and Family Services~~  
17 **Louisiana Works**, and, for the purpose of adult protective services, the office of  
18 elderly affairs share access to each other's case records to the extent that such access  
19 is not prohibited by any contrary provision of federal law or regulation.

20 \* \* \*

21 (3) Notwithstanding any provision of law to the contrary, including but not  
22 limited to the provisions of this Section, all offices, bureaus, and agencies within the  
23 **Louisiana** Department of ~~Children and Family Services~~ **Health and Human**  
24 **Services** are hereby expressly authorized to share access to each other's case records  
25 as necessary for the administration of their respective programs, except as prohibited  
26 by federal law or regulation.

27 \* \* \*

28 F. The following information shall not be subject to waiver and shall not be  
29 released to applicants, recipients, or outside sources, except those outside sources  
30 engaged in the administration of the programs of the department or when specifically  
31 authorized by law:

32 \* \* \*

33 (4)

34 \* \* \*

35 (b) In addition, the department may release information to other agencies of  
36 state government that are engaged in rendering services or treatment to a department  
37 recipient or former recipient. The agency receiving the information from the  
38 department under this Paragraph shall be bound by the same confidentiality standard  
39 as prescribed in this Section with regard to release of this information to the  
40 recipient, the client's legal representative, or an outside source. The Louisiana  
41 Department of Health **and Human Services**, ~~the Department of Children and Family~~  
42 ~~Services~~ **Louisiana Works**, and, for the purpose of adult protective services, the  
43 office of elderly affairs may release information to each other for the purpose of  
44 furthering services or treatment to clients or recipients of services of either  
45 department. Information subject to release pursuant to this Section that is covered by  
46 federal statutes or regulations restricting release of the information shall be released  
47 only in accordance with the federal statutes or regulations.

48 \* \* \*

49 (9) Notwithstanding any other provision of this Section, limited public  
50 disclosure of summary information contained in the child abuse or neglect records  
51 of the **Louisiana** Department of ~~Children and Family Services~~ **Health and Human**  
52 **Services** may be made as follows:

53 \* \* \*

54 (h) Notwithstanding the provisions of Subsection B of this Section,  
55 references in this Paragraph to the term "department" shall only mean the **Louisiana**  
56 Department of ~~Children and Family Services~~ **Health and Human Services**.

57 \* \* \*

58 §59. Welfare demonstration, experimental and other projects

59 ~~The Department of Children and Family Services~~ **Louisiana Works** and the  
60 Louisiana Department of Health **and Human Services** are authorized to make use  
61 of staff and equipment to carry out experimental and demonstration projects whose  
62 costs are otherwise totally financed by the federal government under the provisions

1 of the Social Security Act (42 U.S.C. 1315) or any other programs totally financed  
2 from federal funds.

3 §60. Educational leaves with pay; federal funds

4 The secretary of ~~the Department of Children and Family Services~~ **Louisiana**  
5 **Works** and Louisiana Department of Health may grant educational leave with pay  
6 to an employee of the department in compliance with federal administrative rules  
7 and federal laws that allow federal matching funds to be used in further educating  
8 employees of ~~the Department of Children and Family Services~~ **Louisiana Works**  
9 and Louisiana Department of Health in the various states.

10 \* \* \*

11 §107. Appeal and review; venue for judicial review

12 A.(1) ~~The Department of Children and Family Services~~ **Louisiana Works**  
13 and the office of the secretary of the Louisiana Department of Health, through their  
14 respective appeal sections, shall provide for a system of hearings and are responsible  
15 for fulfillment of all hearing provisions as prescribed under Title I, IV-A, X, XIV,  
16 XVI, XIX, or XX of the Social Security Act and under the Food Stamp Act, Public  
17 Law 91-671. Under these provisions, an opportunity for a hearing shall be granted  
18 at the state level to any applicant, ~~or recipient,~~ **or customer** who makes a timely  
19 request for a hearing because his claim for assistance, services, or nutrition  
20 assistance benefits is denied or is not acted upon with reasonable promptness and to  
21 any recipient who is aggrieved by an agency action resulting in suspension,  
22 reduction, discontinuance, or termination of benefits.

23 (2) Under these provisions, an opportunity for a hearing shall also be granted  
24 at the state level by the **Louisiana** Department of ~~Children and Family Services~~  
25 **Health and Human Services** to any child placing agency or day care center who is  
26 aggrieved by any agency action resulting in the denial, suspension, or revocation of  
27 a license.

28 \* \* \*

29 **E. For purposes of this Section, "customer" means an applicant or**  
30 **recipient of public assistance benefits and services that fall within the purview**  
31 **of Louisiana Works.**

32 \* \* \*

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

35 A. No person shall obtain or attempt to obtain assistance from ~~the~~  
36 ~~Department of Children and Family Services~~ **Louisiana Works** or the Louisiana  
37 Department of Health **and Human Services** by means of any false statement,  
38 misrepresentation, or other fraudulent device. If during the life, or upon the death,  
39 of any person who is receiving or has received assistance it is found that the recipient  
40 is receiving or has received assistance through misrepresentation, nondisclosure of  
41 material facts, or other fraudulent device, the amount of assistance, without interest,  
42 shall be recoverable from him or his estate as a debt due the state by court action.

43 B. If at any time during the continuance of public assistance to any person,  
44 the recipient thereof, or the husband or wife of the recipient with whom he or she is  
45 living, is possessed or becomes possessed of any property or income in excess of the  
46 amount declared at the time of application or reinvestigation of his case and in such  
47 amount as would affect his needs or right to receive assistance, it shall be the duty  
48 of the recipient, or the husband or wife of the recipient, to notify ~~the Department of~~  
49 ~~Children and Family Services~~ **Louisiana Works** or the Louisiana Department of  
50 Health **and Human Services** of possession of such property or income, and the  
51 department shall, after investigation, either cancel the assistance or alter the amount  
52 thereof in accordance with the circumstances, provided, that such investigation  
53 shows that such property or income does affect the need of the recipient or his right  
54 to receive assistance. If during the life, or upon the death, of any person who is  
55 receiving or has received assistance it is found that the recipient or his spouse was  
56 possessed of any property or income in excess of the amount reported that would  
57 affect his need or right to receive assistance, any assistance paid when the recipient  
58 or his spouse was in possession of such undeclared property or income shall be  
59 recoverable, without interest, from him or his estate as a debt due the state by court  
60 action. The possession of undeclared property by a recipient or his spouse with  
61 whom he is living shall be prima facie evidence of its ownership during the time

1 assistance was granted, and the burden to prove otherwise shall be upon the recipient  
2 or his legal representative.

3 C.(1) If the personal circumstances of the recipient change at any time during  
4 the continuance of assistance, he shall immediately notify ~~the Department of~~  
5 ~~Children and Family Services~~ **Louisiana Works** or the Louisiana Department of  
6 Health **and Human Services** of the change. Personal circumstances shall include:  
7 \* \* \*

8 (2) If during the life, or upon the death, of any person who is receiving  
9 assistance it is found that the recipient has received or is receiving assistance of a  
10 greater amount than he is entitled to receive as a result of his failure to notify ~~the~~  
11 ~~Department of Children and Family Services~~ **Louisiana Works** or the Louisiana  
12 Department of Health **and Human Services** of a change of personal circumstances  
13 as set forth in this Subsection, any assistance paid during the time that the recipient  
14 was receiving assistance of a greater amount than he was entitled to receive as a  
15 result of his failure to notify the department shall be recoverable, with legal interest,  
16 from him or his estate as a debt due the state by court action.

17 D. The federal government shall be entitled to share in any amount recovered  
18 under the provisions of this Section; however, the amount recovered by the federal  
19 government shall not exceed the amount contributed by the federal government in  
20 each case. The amount due the United States shall be promptly paid or credited upon  
21 collection to the designated agency of the federal government by ~~the Department of~~  
22 ~~Children and Family Services~~ **Louisiana Works** or the Louisiana Department of  
23 Health **and Human Services**.

24 E.(1) Persons receiving food stamps or Aid to Families with Dependent  
25 Children, or a successor of either program, who have been determined by ~~the~~  
26 ~~Department of Children and Family Services~~ **Louisiana Works or the Louisiana**  
27 **Department of Health and Human Services** in an administrative hearing, or a  
28 court of competent jurisdiction after final appeal, to have fraudulently obtained such  
29 food stamps or Aid to Families with Dependent Children, or benefits or assistance  
30 from a successor of either program, shall be ineligible for further participation in the  
31 program in accordance with the following schedule:  
32 \* \* \*

33 §114.2. Attempting or aiding to obtain assistance fraudulently; penalties

34 Any person who obtains or attempts to obtain or aids and abets anyone to  
35 obtain assistance from ~~the Department of Children and Family Services~~ **Louisiana**  
36 **Works** or the Louisiana Department of Health **and Human Services** by means of  
37 any false statement, misrepresentation, or other fraudulent device or violates the  
38 provisions of R.S. 46:114 shall be guilty of theft as provided by R.S. 14:67.

39 §114.3. Regional fraud detection units; investigative subpoenas and subpoenas  
40 duces tecum

41 A. ~~The Department of Children and Family Services~~ **Louisiana Works** shall  
42 establish, maintain, and provide for fraud detection functions in order to detect fraud  
43 in obtaining public assistance through staff in each region of the state. Each fraud  
44 detection unit shall report each incident of public assistance fraud to the fraud  
45 detection section of the office of children and family services on a monthly basis by  
46 the tenth day of each succeeding month. An annual report of the activities of all fraud  
47 detection units within a state fiscal year shall be submitted by the fraud detection  
48 section to the Senate and House committees on health and welfare by September  
49 first.

50 B. When the secretary of ~~the Department of Children and Family Services~~  
51 **Louisiana Works** or the secretary's designated representative has evidence that any  
52 person, business, or other legal entity attempted to obtain or obtained assistance or  
53 payment for services or goods from the department by means of any false statement,  
54 misrepresentation, or other fraudulent device, the secretary or the designated  
55 representative may issue an administrative investigation subpoena for deposition  
56 testimony or a subpoena duces tecum to be served upon any person, business, or  
57 other legal entity who is believed to have information, material, or physical evidence  
58 relative to the alleged or suspected violation, for the purpose of producing, revealing,  
59 identifying, or explaining documentary material or other physical evidence. Such  
60 deposition or return of subpoena shall take place in the parish in which the person,  
61 business, or other legal entity upon whom the subpoena has been served resides or  
62 conducts business. The subpoena shall be served by certified mail, return receipt

1 requested, or by any other means authorized by the Code of Civil Procedure or the  
2 Code of Criminal Procedure for the service of process. The subpoena shall specify  
3 a return date indicating the date by which deposition testimony or information,  
4 material, or physical evidence must be received by the department.

5 \* \* \*

6 §116. Prima facie proof of pleadings

7 Pleadings filed on behalf of the ~~Department of Children and Family Services~~  
8 **Louisiana Works** or the Louisiana Department of Health **and Human Services** in  
9 actions to recover the value of ineligible public financial assistance payments or  
10 benefits shall be accompanied by an itemized statement of the amount of  
11 overissuance or overpayment together with the amount to which the recipient was  
12 entitled, if any. When accompanied by an affidavit of the assistant secretary of the  
13 office administering such payments or benefits to the correctness thereof as to the  
14 truth of the facts alleged to the best of the affiant's knowledge and belief, such  
15 itemized statement shall be accepted as prima facie proof of the disbursement and  
16 receipt of said payments and the amount thereof.

17 \* \* \*

18 §123. Louisiana Military Family Assistance Board

19 A.

20 \* \* \*

21 (2)(a) The board shall be composed of the following:

22 \* \* \*

23 (vi) The secretary of the ~~Department of Children and Family Services~~  
24 **Louisiana Works**, or designee.

25 \* \* \*

26 §230.1. Legislative intent

27 A. It is the intent of the legislature that families in Louisiana be strong and  
28 economically self-reliant so as to minimize their dependence on government benefits  
29 for basic needs. To accomplish this goal, it is the intent of this Part that ~~the~~  
30 ~~Department of Children and Family Services~~ **Louisiana Works** ensures that all cash  
31 assistance recipients, with the exception of persons with disabilities or who are  
32 incapacitated, are actively and universally engaged in meaningful activities designed  
33 to enable their transition from cash assistance to self-reliance. It is the further intent  
34 that cash assistance participants demonstrate and are expected to exercise active and  
35 diligent personal responsibility in achieving self-reliance through employment and  
36 increased workplace literacy. All appropriate state agencies responsible for  
37 employment, training, and educating Louisiana's citizens are expected to cooperate  
38 in the pursuit of this goal.

39 B. ~~The Department of Children and Family Services~~ **Louisiana Works** shall  
40 submit written reports on the status of implementation of these provisions to the  
41 Performance Review Subcommittee of the Joint Legislative Committee on the  
42 Budget in March, 2004 and September, 2004, and thereafter, annually at the same  
43 time as the mid-year performance progress report is submitted as provided in R.S.  
44 39:87.3(A)(2). Such written reports shall include but not be limited to data providing  
45 performance measures assessing the success of performance-based agreements, job  
46 readiness, workplace literacy, job development services, and such additional data as  
47 may be determined by the committee.

48 \* \* \*

49 §231. Aid to needy families; definitions

50 As used in this Subpart, unless the context clearly requires otherwise:

51 \* \* \*

52 (11) "Department" means ~~the Department of Children and Family Services~~  
53 **Louisiana Works**.

54 \* \* \*

55 (24) "Secretary" means the secretary of ~~the Department of Children and~~  
56 ~~Family Services~~ **Louisiana Works**.

57 \* \* \*

58 §231.4. Immunization compliance; exceptions

59 A. The secretary of ~~the Department of Children and Family Services~~  
60 **Louisiana Works** and the secretary of the Louisiana Department of Health shall  
61 require each recipient **or customer** of public assistance of the programs described  
62 herein or his parent or guardian to present to the appropriate local agency issuing the

1 public assistance sufficient evidence of immunity or immunization against vaccine-  
2 preventable diseases according to a schedule promulgated by rule by the office of  
3 public health of the Louisiana Department of Health **and Human Services**.  
4 Sufficient evidence that such an immunization program is in progress may be  
5 substituted for proof of immunity or immunization.

6 \* \* \*

7 D. ~~The Department of Children and Family Services~~ **Louisiana Works** and  
8 the Louisiana Department of Health **and Human Services** shall promulgate rules  
9 and regulations in accordance with the Administrative Procedure Act to implement  
10 the provisions of this Section for programs under the particular department's  
11 jurisdiction. The office of public health shall develop and promulgate by rule the  
12 immunization schedule required herein.

13 \* \* \*

14 §232. Investigations and reports

15 A. If any person has knowledge that any dependent child is dependent upon  
16 the public for support, or that the interest of the public requires that the child be  
17 granted aid, the person may bring the fact to the notice of the parish office of the  
18 **Louisiana** Department of ~~Children and Family Services~~ **Health and Human**  
19 **Services** of the parish in which the child resides, which department shall make an  
20 investigation and examination of the circumstances of the child before the granting  
21 of aid.

22 \* \* \*

23 §233.1. Recovery of overpayments

24 \* \* \*

25 C. The ~~department~~ **Department of Justice** shall promptly take all necessary  
26 steps to correct any overpayment, including collection, or underpayment of child  
27 support to individuals to whom the department is providing services pursuant to R.S.  
28 46:236.1.1 et seq., and, in the case of:

29 \* \* \*

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

34 \* \* \*

35 §236. Administration of emergency assistance to needy families with children

36 In order to extend and improve services, aid, and care to needy children and  
37 needy families with children in this state, and in order to take full advantage of  
38 existing federally funded programs on a matched basis, ~~the Department of Children~~  
39 ~~and Family Services~~ **Louisiana Works** shall be the agency of the state of Louisiana  
40 to cooperate with the United States and to administer Title IV-A, Sections 403 and  
41 406 of the Social Security Act (42 U.S.C. 603 and 606) or any amendments thereto,  
42 relating to emergency assistance to needy families with children, and to receive and  
43 expend federal moneys for these services.

44 \* \* \*

45 §236.1.1. Family and child support programs; definitions

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

47 \* \* \*

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

52 \* \* \*

53 (5) "Department" means the Department of ~~Children and Family Services~~  
54 **Justice.**

55 \* \* \*

56 (16) "Support services" and "support enforcement services" means any action  
57 taken by the Department of ~~Children and Family Services~~ **Justice**, upon receipt of  
58 an application or referral for services or a request made under the Uniform Interstate  
59 Family Support Act, in accordance with the federal requirements of Title IV-D of the  
60 Social Security Act and corresponding state laws and regulations without regard to  
61 whether there is any existing court order, delinquency, or presumption of paternity.

62 \* \* \*

1 §236.1.4. Family and child support programs; financial institution duties;  
2 responsibilities

3 \* \* \*

4 C. The Department of ~~Children and Family Services~~ **Justice** may pay a  
5 reasonable reimbursement fee to a financial institution for conducting the data  
6 match, not to exceed the actual costs incurred by such financial institution. The  
7 reimbursement fee may be paid quarterly or annually at the end of the state fiscal  
8 year upon request of any financial institution.

9 \* \* \*

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

15 \* \* \*

16 §236.1.7. Family and child support programs; liability

17 \* \* \*

18 B. Any attorney initiating legal proceedings pursuant to this Subpart and  
19 Titles IV-D and IV-A of the Social Security Act shall represent the state of  
20 Louisiana, Department of ~~Children and Family Services~~ **Justice** exclusively. An  
21 attorney-client relationship shall not exist between the attorney and any applicant or  
22 recipient of child support enforcement services for and on behalf of a child or  
23 children, without regard to the name in which legal proceedings are initiated. In  
24 those cases in which the Department of ~~Children and Family Services~~ **Justice** is  
25 providing child support services, the attorney representing the department shall not  
26 represent any party in matters involving custody or visitation. The provisions of this  
27 Subsection shall apply to a staff attorney in the child support enforcement section of  
28 the Department of ~~Children and Family Services~~ **Justice**, district attorney, or  
29 contract attorney providing support services pursuant to Title IV-D.

30 \* \* \*

31 §236.1.8. Family and child support programs; additional authorized employee  
32 actions

33 \* \* \*

34 D. The support services authorized by this Subpart shall be provided by the  
35 ~~office of children and family services~~, child support enforcement **division** ~~section~~.  
36 Field officers responsible for supplying these services shall be designated by the  
37 secretary. Such officers shall have the power and authority to make arrests, supervise  
38 the probation of offenders, serve notices, orders, subpoenas, summonses, citations,  
39 motions, and writs, and to execute all warrants and orders and to perform any other  
40 duties incident to their office. All such officers are hereby authorized to carry  
41 weapons and arms, concealed or openly, while in the actual performance of any duty  
42 or while under assignment to any duty, but under no circumstances shall officers be  
43 authorized to carry weapons unless they have been trained in the proper carrying and  
44 use of firearms by a recognized firearm training program.

45 \* \* \*

46 §236.1.9. Family and child support programs; duties; courts; agencies; party status

47 \* \* \*

48 B. Any court that collects child support pursuant to state laws and regulations  
49 shall forward that portion of the collections due to the Department of ~~Children and~~  
50 ~~Family Services~~ **Justice** within two days of receipt.

51 \* \* \*

52 §236.1.12. Transfer of child support obligation to third party

53 \* \* \*

54 C. When the current caretaker applies for support enforcement services  
55 pursuant to R.S. 46:236.1.2, the caretaker shall execute an affidavit stating that the  
56 minor child resides with him. The affidavit shall contain the following information  
57 in substantially the following form:

58 **AFFIDAVIT OF CHILD(REN)'S PHYSICAL**  
59 **PRESENCE IN THE CARETAKER'S HOME**

60 **AFFIDAVIT**

61 I, \_\_\_\_\_, the undersigned affiant

62 Name of the Affiant

1 do hereby certify and affirm that I am the caretaker of the minor child(ren) named below;  
 2 That I am the applicant/recipient of support enforcement services on behalf of the minor  
 3 child(ren) whose name(s) appear(s) below;  
 4 That I have requested that the Department of ~~Children and Family Services~~ **Justice**, Child  
 5 Support Enforcement (~~DCFS, CSE~~) secure a court order to authorize the child support  
 6 payments that are due and payable by the obligor and/or the obligee on behalf of the minor  
 7 child(ren) whose name(s) appear(s) below to be redirected to me, the affiant, on behalf of  
 8 the minor child(ren);  
 9 That I do hereby further certify and affirm that the minor child(ren) whose name(s) appear(s)  
 10 below have been *physically* residing with me in my residence since \_\_\_\_\_,  
 11 \_\_\_\_\_, located in the parish/county of \_\_\_\_\_, state of  
 12 \_\_\_\_\_.

Name(s) of Children	Date of Birth

14 I solemnly swear or affirm that the foregoing statements are true and correct to the best of  
 15 my knowledge and belief.

16 \_\_\_\_\_  
 17 SIGNATURE OF AFFIANT

18 \_\_\_\_\_  
 19 PRINT NAME OF AFFIANT

20 SUBSCRIBED AND SWORN TO BEFORE ME ON THIS \_\_\_\_\_ DAY OF  
 21 \_\_\_\_\_ AT \_\_\_\_\_, LOUISIANA

22 \_\_\_\_\_  
 23 PRINT NAME OF ATTORNEY OR NOTARY PUBLIC

24 \_\_\_\_\_  
 25 SIGNATURE OF ATTORNEY OR NOTARY PUBLIC

26 \_\_\_\_\_  
 27 NOTARY NUMBER OF NOTARY PUBLIC OR BAR ROLL  
 28 NUMBER OF ATTORNEY

29 MY COMMISSION EXPIRES: \_\_\_\_\_  
 30 \* \* \*

31 F. \_\_\_\_\_  
 32 \* \* \*

33 (2) The ex parte motion shall also include an affidavit executed by an  
 34 authorized representative of the department. The affidavit shall contain the following  
 35 information in substantially the following form:

36 **AFFIDAVIT OF RECEIPT OF SERVICE AND NOTICE**

37 **AFFIDAVIT**

38 I, \_\_\_\_\_, an authorized  
 39 Name of the Affiant

40 representative of the Department of ~~Children and Family Services, Child Support~~  
 41 ~~Enforcement~~ **Justice** hereby certify and affirm:

42 That support enforcement services are being furnished to \_\_\_\_\_.  
 43 Caretaker

44 The following efforts have been made to give the *obligor* reasonable notice of the  
 45 department's intent to redirect child support payments to the current caretaker. The obligor  
 46 has not notified the department that (s)he objects to the redirection of support payments.

1

Date of Action	Action Taken

2 The following efforts have been made to give the *obligee* reasonable notice of the  
 3 department's intent to redirect child support payments to the current caretaker. The obligee  
 4 has not notified the department that (s)he objects to the redirection of support payments.

5

Date of Action	Action Taken

6 I solemnly swear or affirm that the foregoing statements are true and correct to the best of  
 7 my knowledge and belief.

8

\_\_\_\_\_  
SIGNATURE OF AFFIANT

9

\_\_\_\_\_  
PRINT NAME OF AFFIANT

10

11 SUBSCRIBED AND SWORN TO BEFORE ME ON THIS \_\_\_\_\_ DAY OF  
 12 \_\_\_\_\_ AT \_\_\_\_\_, LOUISIANA

13

\_\_\_\_\_  
PRINT NAME OF ATTORNEY OR NOTARY PUBLIC

14

\_\_\_\_\_  
SIGNATURE OF ATTORNEY OR NOTARY PUBLIC

15

\_\_\_\_\_  
NOTARY NUMBER OF NOTARY PUBLIC OR BAR ROLL

16

NUMBER OF ATTORNEY

17

MY COMMISSION EXPIRES: \_\_\_\_\_

18

\* \* \*

§236.3. Enforcement of support by income assignment

19

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

23

\* \* \*

24 (2) "Department" means the Department of ~~Children and Family Services~~  
 25 **Justice**, ~~office of children and family services~~, child support enforcement **division**  
 26 ~~section~~.

27

\* \* \*

28 G. Any person whose income is assigned under the provisions of this Section  
 29 shall advise the court of any change in his employment during the effective period  
 30 of assignment and shall advise the court of the name and address of any new payor  
 31 of any singular or periodic payment of income. The information required herein shall  
 32 be filed with the clerk of court on a form which shall be developed and distributed  
 33 by the Department of ~~Children and Family Services~~ **Justice**. The payor of a person  
 34 whose income is assigned under the provisions of this Section shall inform the  
 35 assignee in writing within ten days when the obligor terminates employment or the  
 36 payment of income terminates and provide the obligor's last known address and the  
 37 name and address of the obligor's new employer, if known. Any person who violates  
 38 the provisions of this Subsection may be found guilty of contempt of court.

39

\* \* \*

§236.5. Expedited process for establishment of paternity and establishment or  
 enforcement of support; hearing officers

40

41 A. All actions to establish paternity or to establish or enforce a support  
 42 obligation which are brought by the Department of ~~Children and Family Services~~

43

44

45

46

47

1 **Justice**, hereafter called "the department", on its own behalf or on behalf of any  
2 person for whom support has been ordered and whose support rights have been  
3 assigned to the department or for whom the department is providing support  
4 enforcement services, must be completed, from the time of service of process of the  
5 action to the time of disposition, within the following time frames:

6 \* \* \*

7 §236.6. Failure to pay support; procedure, penalties and publication

8 A.(1) If a defendant violates the terms of a court order, issued pursuant to the  
9 provisions of R.S. 46:236.1.1 et seq. and 236.2, Children's Code Article 1301.1 et  
10 seq., or R.S. 13:4241, requiring him to pay child support to the Department of  
11 ~~Children and Family Services~~ **Justice**, a representative of the child support collection  
12 agency as set forth in R.S. 46:236.1.8 may issue and serve on the defendant a  
13 summons ordering him to appear and show cause before the proper court of  
14 competent jurisdiction, on a date which shall be specified by the court, why he  
15 should not be held in contempt of court. Prior to or at the hearing, the Department  
16 of ~~Children and Family Services~~ **Justice** or the district attorney shall file with the  
17 court any summons served and a rule for contempt which shall be served in open  
18 court on the defendant, setting forth the terms of the original court order for child  
19 support and all modifications thereof, along with the allegations purporting to place  
20 the defendant in contempt. If the defendant denies the allegations or offers a defense  
21 to the rule, the court may, upon motion of either party or on its own motion, continue  
22 the hearing.

23 \* \* \*

24 C. In addition to any other penalty provided for in this Section, the court shall  
25 render judgment in favor of the applicable payee for the amount of unpaid support  
26 plus attendant court costs. The judgment shall have the same force and effect as a  
27 final judgment for money damages against the defendant. This judgment shall  
28 become executory upon its rendition, subject to the delays for filing a motion for new  
29 trial or appeal, and may be registered with any Louisiana court of competent  
30 jurisdiction on petition of the Department of ~~Children and Family Services~~ **Justice**,  
31 the district attorney's office, or the applicable payee.

32 \* \* \*

33 E. The termination of a court order issued pursuant to the provisions of R.S.  
34 46:236.1.1 et seq. and 236.2, Children's Code Article 1301.1 et seq., or R.S. 13:4241,  
35 requiring a defendant to pay child support to the Department of ~~Children and Family~~  
36 ~~Services~~ **Justice** does not abate the power of any court or the department to collect  
37 any overdue and unpaid support or arrearage owed under the terminated support  
38 order or the power of the court to punish any person for a failure to comply with, or  
39 to pay any support as ordered in, the terminated court order.

40 \* \* \*

41 G.(1) Upon request of any representative of a newspaper and to the extent  
42 permitted by federal law, the Department of ~~Children and Family Services~~ **Justice**  
43 shall supply a list of names and addresses of all persons who have been found guilty  
44 of criminal neglect of family as provided in R.S. 14:74 et seq. or who have been  
45 found in contempt of court for failure to comply with a support order enforced by the  
46 Department of ~~Children and Family Services~~ **Justice**. The newspaper may publish  
47 such a list or any part of this list it considers necessary.

48 (2) The Department of ~~Children and Family Services~~ **Justice** may adopt rules  
49 governing the publication of the names of persons who are delinquent in the payment  
50 of child support obligations under orders which are enforced by the department and  
51 the publication of information which is related to those delinquent payments. The  
52 rules shall be adopted in accordance with the Administrative Procedure Act and shall  
53 establish the criteria for the selection of the individuals whose names may be  
54 published, the criteria for the determination of the types and amount of related  
55 information which may be published, and the criteria for the determination of the  
56 types of media and individual media outlets in which the names and related  
57 information may be published. The department may publish the names and related  
58 information at the expense of the department or may release the names and related  
59 information for publication on a public service basis.

60 \* \* \*

61 §236.7. Order of support; stipulation by district attorney and party

1 A.(1) In cases in which the responsible parent or other person owes a duty of  
2 support to a spouse or minor child, the responsible parent or other person owing such  
3 duty and the district attorney may stipulate to an order of support. The juvenile and  
4 family courts of this state shall have the power to issue an order of support under the  
5 provisions of this Section. This order shall be considered a civil order of support  
6 enforceable in the juvenile or family court of this state which rendered the order.  
7 This order may be registered in other family or juvenile courts of this state pursuant  
8 to the provisions of Children's Code Article 1301.3 et seq. This support shall be  
9 ordered payable to the spouse, to the tutor or custodian of the child, to the court-  
10 approved fiduciary of the spouse or child, or to the Department of ~~Children and~~  
11 ~~Family Services~~ **Justice** in a FITAP case or in a non-FITAP case in which the  
12 department is rendering services, whichever is applicable; hereinafter, said payee  
13 shall be referred to as the "applicable payee". The amount of support as set by the  
14 court may be increased or decreased as the circumstances may require.

15 \* \* \*

16 B.(1) If a defendant violates the terms of a court order issued pursuant to the  
17 provisions of this Section requiring him to pay child support to the Department of  
18 ~~Children and Family Services~~ **Justice**, a representative of the child support collection  
19 agency as set forth in R.S. 46:236.1.1 et seq. may issue and serve on the defendant  
20 a summons ordering him to appear and show cause before the proper court of  
21 competent jurisdiction, on a date which shall be specified by the court, why he  
22 should not be held in constructive contempt of court. Prior to or at the hearing, the  
23 Department of ~~Children and Family Services~~ **Justice** or the district attorney shall file  
24 with the court any summons served and a rule for contempt which shall be served in  
25 open court on the defendant, setting forth the terms of the original court order for  
26 child support and all modifications thereof, along with the grounds for contempt. If  
27 the defendant denies the allegations or offers a defense to the rule, the court may,  
28 upon motion of either party or on its own motion, continue the hearing.

29 \* \* \*

30 F. The termination of a court order issued pursuant to the provisions of R.S.  
31 46:236.1.1 et seq. and 236.2, Children's Code Article 1301.1 et seq., or R.S. 13:4241,  
32 requiring a defendant to pay child support to the Department of ~~Children and Family~~  
33 ~~Services~~ **Justice** does not abate the power of any court or the department to collect  
34 any overdue and unpaid support or arrearage owed under the terminated support  
35 order or the power of the court to punish any person for a failure to comply with, or  
36 to pay any support as ordered in, the terminated court order.

37 \* \* \*

38 §236.8. Medical support orders; health insurance enforcement

39 A. When a court orders a parent to provide medical support for the child,  
40 specifically requiring the parent to enroll or maintain the child in a health insurance  
41 program, the Department of ~~Children and Family Services~~ **Justice**, in any case in  
42 which the department is rendering services, shall enforce the court order through the  
43 use of the National Medical Support Notice, regarding group health plans that are  
44 covered under the provisions of 42 U.S.C. §666(a)(19), 29 U.S.C. §1169, and 45  
45 CFR §303.32, and shall serve on the parent's employer the National Medical Support  
46 Notice to enroll the child and employee in the employee's health insurance program  
47 in accordance with the medical support order.

48 \* \* \*

49 G. When a court orders a parent who is a participant or is eligible to  
50 participate in a group health plan to enroll or maintain a minor child in a health  
51 insurance program, the insurance company or health maintenance organization shall:

52 \* \* \*

53 (5) Allow the provider; or the Louisiana Department of Health **and Human**  
54 **Services** for the Medicaid Plan, ~~or the Department of Children and Family Services~~  
55 to submit claims for covered services without the approval of the custodial or the  
56 noncustodial parent.

57 (6) Reimburse the parent who rendered payment for services for the child, the  
58 provider; or the Louisiana Department of Health **and Human Services** ~~for the~~  
59 ~~Medicaid Plan, or the Department of Children and Family Services~~ directly for  
60 claims submitted by them.

61 \* \* \*

62 §236.9. Collection of child support; cooperative program

\* \* \*

B. When a delinquency is referred to the Department of Revenue, hereinafter referred to in this Section as the "department", pursuant to the provisions of this Section, the amount of child support due, and any accrued interest and costs shall be collected from the obligated parent by the department in any manner authorized by law, and as specifically provided in Part III of Chapter 18 of Subtitle II of Title 47 of the Louisiana Revised Statutes. All funds generated from the collection efforts shall be remitted periodically to the Department of ~~Children and Family Services~~ **Justice** for distribution as provided by law for collected child support payments. However, the department shall be entitled to any allowable federal reimbursement, and to fifty percent of any fees or payments that would ordinarily be due to the Department of ~~Children and Family Services~~ **Justice** for the collection made, except for incentives.

\* \* \*

G. In the event the collection action would cause undue hardship to the obligated parent, would threaten the health or welfare of his family, or would cause irreparable loss, the obligated parent may so notify the secretary. In such case, the secretary may, in his discretion, refer the receipt of such information to the secretary of the Department of ~~Children and Family Services~~ **Justice**, who shall determine whether to halt the department's collection procedures.

\* \* \*

K. The Department of Revenue and the Department of ~~Children and Family Services~~ **Justice** are hereby authorized to promulgate rules and regulations as may be necessary to effectuate the provisions of this Section, and to enter into interagency agreements as necessary.

§236.10. State case registry of child support orders

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

\* \* \*

D. Clerks of court in the state's judicial districts shall provide the required information to the child support enforcement section for use in developing the state case registry. The court shall require the parties, or the attorneys representing the parties, to provide the required information to the clerks of court. The Department of ~~Children and Family Services~~ **Justice** shall enter into cooperative agreements with clerks of court to provide for reimbursement of the actual costs of collecting and transmitting the information required by this Section.

E. The Department of ~~Children and Family Services~~ **Justice** shall develop and distribute the forms which shall be used to obtain the information. Such forms shall contain, at a minimum, the data elements identified by the secretary of the United States Department of Health and Human Services.

\* \* \*

§236.11. Louisiana disbursement unit for child support payments

A. The secretary of the Department of ~~Children and Family Services~~ **Justice** shall create a state disbursement unit for collection and disbursement of child support.

B.

\* \* \*

(2) The provisions of this Section shall apply to child support payments made through any court. Any such court may enter into a cooperative agreement with the secretary of the Department of ~~Children and Family Services~~ **Justice** to authorize the department to collect those support payments and administrative costs collected and distributed by the court pursuant to R.S. 46:236.5(B). The department may retain an amount equal to the actual costs incurred in collecting and distributing the child support, including administrative costs. However, such amount shall not exceed one percent of the total amount collected for the court. The department shall distribute such amounts collected pursuant to this Subsection in accordance with federal regulations.

\* \* \*

C. The Department of ~~Children and Family Services~~ support enforcement program, office of ~~children and family services~~, **Justice** shall administer the state disbursement unit. The support enforcement program may contract for the provision

1 of these services in accordance with the applicable provisions of Chapter 17 of  
2 Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950 and the Louisiana  
3 Procurement Code.

4 \* \* \*

5 §236.12. Plan for parental participation of support; required work activities

6 \* \* \*

7 B. For purposes of this Section:

8 (1) "Department" means the ~~child support enforcement section, office of~~  
9 ~~children and family services, Department of Children and Family Services~~  
10 **Department of Justice.**

11 \* \* \*

12 §236.13. Privilege on proceeds collected from third party in favor of the Department  
13 of ~~Children and Family Services~~ **Justice** for executory child support  
14 arrears

15 A. The Department of ~~Children and Family Services~~ **Justice** or its designee,  
16 as defined in R.S. 46:236.1.1, et seq. shall have a privilege for executory child  
17 support arrears on an amount payable to an injured person, his heirs, or legal  
18 representatives, out of the total amount of any recovery or sum had, collected, or to  
19 be collected, whether by judgment or by settlement or compromise, from another  
20 person on account of such injuries, and on the amount payable by any insurance  
21 company under any contract providing for indemnity or compensation to the injured  
22 person.

23 \* \* \*

24 §236.14. Employer reporting program

25 \* \* \*

26 C. ~~The Department of Children and Family Services~~ **Louisiana Works** shall  
27 establish an automated directory known as the "state directory of new hires".

28 D.(1) An employer shall report to ~~the Department of Children and Family~~  
29 ~~Services, office of children and family services, child support enforcement section~~  
30 **Louisiana Works** any of the following:

31 \* \* \*

32 (2) ~~The Department of Children and Family Services~~ **Louisiana Works** shall  
33 secure either electronically or by hard copy all of the following:

34 \* \* \*

35 E.

36 \* \* \*

37 (2)

38 \* \* \*

39 (b) If an employer has employees who are employed in two or more states  
40 and transmits a report magnetically or electronically, the employer may comply with  
41 this Section by designating one of the states to which he shall report. The employer  
42 shall notify ~~the Department of Children and Family Services~~ **Louisiana Works** in  
43 writing as to which state he will report.

44 \* \* \*

45 G.(1) ~~The Department of Children and Family Services~~ **Louisiana Works**  
46 shall enter the information into the data base for the state directory of new hires no  
47 later than five days after receipt from an employer.

48 (2) ~~The Department of Children and Family Services~~ **Louisiana Works** shall  
49 provide the data entered into the state directory of new hires to the national directory  
50 of new hires no later than three business days after the data entry.

51 \* \* \*

52 J.(1) The Department of ~~Children and Family Services~~ **Justice** shall use  
53 information received pursuant to this Section to locate individuals for purposes of  
54 establishing paternity and for establishing, modifying, and enforcing child support  
55 obligations. The Department of ~~Children and Family Services~~ **Justice** may disclose  
56 the information received pursuant to this Section to any agent of the Department of  
57 ~~Children and Family Services~~ **Justice** that is under contract to carry out such  
58 purposes.

59 (2) ~~The Department of Children and Family Services~~ **Louisiana Works** shall  
60 provide access to information received pursuant to this Section for purposes of  
61 verifying eligibility for the program specified in Section 1137(b) of the Social  
62 Security Act.

(3) ~~The Department of Children and Family Services shall provide access to Louisiana Works may use~~ the information received pursuant to this Section ~~to Louisiana Works~~ for the purposes of administering the employment security and workers' compensation programs.

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

A.

\* \* \*

(1) In cases in which the Department of ~~Children and Family Services Justice~~, ~~office of children and family services, child support enforcement section~~, referred to in this Section as "agency", is providing services, the agency may, in cases in which paternity is at issue, order all parties to submit to genetic testing.

\* \* \*

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

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

B. The director of the child support enforcement ~~section, office of children and family services, Department of Children and Family Services~~ **division of the Department of Justice**, or his designee, may release all or any portion of the property subject to any lien or judgment obtained pursuant to this Section from such lien or judgment, or may subordinate such lien or judgment to other liens and encumbrances if he determines that the support obligation and arrearages are sufficiently secured by a lien or judgment on other property or through other security, or that the release, partial release, or subordination of such lien or judgment will not endanger or jeopardize the collection of support obligations or arrearages.

\* \* \*

§237. Kinship Care Subsidy Program

A. Creation. There is hereby established a Kinship Care Subsidy Program in ~~the office of children and family services of the Department of Children and Family Services~~ **Louisiana Department of Health and Human Services**, for the purpose of assisting eligible kinship caregivers, including grandparents, step-grandparents, or other adult relatives within the fifth degree who have legal custody or guardianship of their minor relatives.

\* \* \*

C. Eligibility. To be eligible to qualify for a subsidy under the program, a kinship caregiver of a minor relative shall meet the following requirements:

\* \* \*

(5) Agree to pursue the enforcement of child support obligations against the parents of the minor relative with the assistance of the Department of ~~Children and Family Services~~ **Justice** in accordance with applicable law.

E. Subsidy amounts. ~~The office of children and family services~~ **Louisiana Department of Health and Human Services** shall promulgate rules and regulations to establish the amount of the subsidy to be awarded on behalf of each minor relative.

F. Rules, regulations, and procedures. The ~~office of children and family services~~ **Louisiana Department of Health and Human Services** shall promulgate

1 rules and regulations to provide for any other eligibility requirements which are  
2 reasonably necessary to administer the Kinship Care Subsidy Program in accordance  
3 with this Section and any federal requirements, to promote the safety and well-being  
4 of any minor relative for whom subsidies are issued, and to establish procedures for  
5 reconsideration of eligibility of applicants no less than annually.

6 G. Administration and funding. The subsidy provided for in this Section shall  
7 be administered by ~~the office of children and family services~~ **Louisiana Department**  
8 **of Health and Human Services** and funded through the TANF block grant.

9 \* \* \*

10 §238. Unpaid child support; release of information

11 \* \* \*

12 B. The Department of ~~Children and Family Services, office of children and~~  
13 ~~family services;~~ **Justice** may participate in cooperative endeavors with private  
14 attorneys to release information authorized by this Section for the purpose of  
15 collecting unpaid child support in accordance with the provisions of this Section.

16 C. When a private attorney retained by the obligee receives a certification  
17 from the ~~office of children and family services~~ **child support enforcement division**  
18 that an obligor is in arrears in the payment of child support for more than six months  
19 or whose whereabouts have been unknown for more than six months, the private  
20 attorney retained by the obligee may apply to the district court for the parish where  
21 the order is being enforced for an ex parte order on a motion to determine that the  
22 obligor is in arrears or is an absentee.

23 D. If the court finds that the obligor is in arrears for more than six months or  
24 whose whereabouts have been unknown for more than six months, the court may  
25 authorize the ~~office of children and family services~~ **child support enforcement**  
26 **division** to enter into cooperative endeavors with a private attorney who has been  
27 retained by the obligee for the purpose of collecting the unpaid child support in the  
28 obligee's case.

29 E. Pursuant to a cooperative endeavor authorized by the provisions of this  
30 Section and to the extent allowed by state and federal laws and regulations, the ~~office~~  
31 ~~of children and family services~~ **child support enforcement division** shall provide  
32 to a private attorney who has been retained by the obligee for the purpose of  
33 collecting unpaid child support all of the following information that it may have  
34 regarding the obligor:

35 \* \* \*

36 (7) Any other information which the ~~office of children and family services~~  
37 **child support enforcement division** reasonably believes will assist in the collection  
38 of child support.

39 \* \* \*

40 F. Nothing in this Section shall authorize the Department of ~~Children and~~  
41 ~~Family Services~~ **Justice** or the child support enforcement **division** section to contract  
42 for hire with any private attorney or entity for the collection of child support or the  
43 provision of IV-D services.

44 G. Any district attorney under contract to the Department of the ~~Children and~~  
45 ~~Family Services~~ **Justice** to provide child support services shall not be authorized to  
46 release information to a private attorney under the provisions of this Section.

47 H. Nothing in this Section shall limit the ~~Department of Children and Family~~  
48 ~~Services~~ contractual authority **of the Department of Justice**.

49 \* \* \*

50 §281. Applicability

51 The provisions of this Subpart shall apply to persons who contract with the  
52 office of ~~children and family services~~ **child welfare** of the **Louisiana** Department  
53 of ~~Children and Family Services~~ **Health and Human Services** to provide temporary  
54 or long-term foster care for not more than six children.

55 \* \* \*

56 §282. Investigation of foster and adoptive parent applicants

57 A. The **Louisiana** Department of ~~Children and Family Services~~ **Health and**  
58 **Human Services**, office of ~~children and family services~~ **child welfare**, shall  
59 investigate the background of each person who applies to be a foster or adoptive  
60 parent of a child in foster care. The investigation required by this Section shall  
61 include but shall not be limited to a determination of whether the applicant or any  
62 adult member of the applicant's household has been charged with a crime and, if so,

1 the disposition of those charges. The office shall require each applicant and adult  
2 family member to provide fingerprints and such authorization as is necessary to  
3 conduct state and national criminal history record checks and to obtain any other  
4 information required to complete the investigation. The department is authorized to  
5 promulgate regulations as may be necessary to conduct the criminal history record  
6 checks authorized in this Section.

7 B. The office of ~~children and family services~~ **child welfare** shall request such  
8 information and assistance from federal, state, or local governmental agencies as is  
9 necessary to complete the investigation required by this Section. Only information  
10 which bears a reasonable relation to the performance of the duties of a foster parent  
11 shall be requested.

12 C. The office of ~~children and family services~~ **child welfare** shall not require  
13 an applicant to provide any physical identity materials other than photographs or  
14 fingerprints. Such materials shall be returned to the applicant upon completion of the  
15 investigation, and no copy of such materials may be retained by the office or by any  
16 agency to which such identity materials were transmitted.

17 \* \* \*

18 §283. Determination of fitness; award of contract

19 A. The office of ~~children and family services~~ **child welfare** shall determine  
20 the fitness and eligibility of each person who applies for a contract to provide foster  
21 care services to which the provisions of this Subpart apply.

22 B. The office of ~~children and family services~~ **child welfare** may award a  
23 contract for foster care services to any person who is determined to be eligible for  
24 such contracts, but no contract shall be awarded prior to such determination.

25 C.(1)

26 \* \* \*

27 (b) The Louisiana Department of ~~Children and Family Services~~ **Health and**  
28 **Human Services** shall provide such training through its own personnel or by  
29 contracting with outside persons or agencies.

30 \* \* \*

31 §285. Required training for child protection and foster care workers

32 A. No employee of the Louisiana Department of Children and Family  
33 Services **Health and Human Services**, office of ~~children and family services~~ **child**  
34 **welfare**, with direct responsibility for cases dealing with families and children after  
35 January 1, 1984, shall exercise responsibility for any cases until that employee has  
36 completed a training program consisting of at least thirty-two hours of instruction,  
37 addressing such appropriate topics as:

38 \* \* \*

39 B. All representatives or employees of the Louisiana Department of ~~Children~~  
40 ~~and Family Services~~ **Health and Human Services** shall, at the initial time of contact  
41 with the individual subject to a child abuse and neglect investigation, advise the  
42 individual of the specific complaints or allegations made against the individual in a  
43 manner that is consistent with laws protecting the rights of the informant.

44 C. Any employee hired on or after July 1, 2010, who has graduated from a  
45 Council on Social Work Education accredited program of social work certifying that  
46 the employee has completed course work and demonstrated competency in the core  
47 areas of effective child welfare practice, including successful completion of a child  
48 welfare specific internship, shall be deemed to have met the thirty-two hour training  
49 requirement specified in Subsection A of this Section and may begin exercising  
50 responsibility for cases under agency supervision. The Louisiana Department of  
51 ~~Children and Family Services~~ **Health and Human Services** in partnership with the  
52 Louisiana University Child Welfare Workforce Alliance shall define the core  
53 competencies, which shall include but not be limited to the competencies set forth  
54 in Subsection A of this Section, of effective child welfare practice. The Louisiana  
55 Department of ~~Children and Family Services~~ **Health and Human Services** shall be  
56 specifically authorized to promulgate rules and regulations, pursuant to the  
57 Administrative Procedure Act, which may be necessary to effect the provisions of  
58 this Section.

59 \* \* \*

60 E. Notwithstanding the provisions of Subsections A and D of this Section,  
61 employees of the office of ~~children and family services~~ **child welfare** shall be  
62 permitted to exercise responsibility for cases on an emergency basis prior to the

1 completion of required training if the unavailability of these employees pending such  
2 training would result in the agency's inability to meet the needs of abused or  
3 neglected children or to satisfy legal mandates, provided that appropriate training  
4 may not be delayed beyond sixty days.

5 \* \* \*

6 H. The Louisiana Department of ~~Children and Family Services~~ **Health and**  
7 **Human Services** shall provide such training through its own personnel, partnerships  
8 with universities, or by contracting with outside persons or agencies.

9 I. The Louisiana Department of ~~Children and Family Services~~ **Health and**  
10 **Human Services** may continue incentive pay schedules established by the  
11 Department of State Civil Service to compensate social work personnel with selected  
12 graduate degrees at a higher rate than other persons without such specialized  
13 advanced degrees as provided by the Department of State Civil Service and the State  
14 Civil Service Commission.

15 \* \* \*

16 §286. Foster home child care; reimbursement system; rules

17 The Louisiana Department of ~~Children and Family Services~~ **Health and**  
18 **Human Services** shall establish a system for reimbursement of foster home child  
19 care costs based on the level of care for all foster children placed in foster homes  
20 providing temporary or long-term foster care for not more than six children receiving  
21 the services of the department. The department shall promulgate rules for  
22 implementation of the reimbursement system by January 1, 1995, but only if funds  
23 are made available by appropriation by the legislature, and shall submit such rules  
24 to the committees on health and welfare of the House of Representatives and the  
25 Senate in accordance with the Administrative Procedure Act. At a minimum, the  
26 department shall seek each year through the budgetary process funds sufficient to  
27 reimburse foster parents at a rate at least equal to the cost for child care as reported  
28 and published by the United States Department of Agriculture for the Southeastern  
29 United States.

30 §286.1. Kinship Foster Care Program

31 A. As used in this Section the following terms shall have the following  
32 meaning:

33 (1) "Department" means the Louisiana Department of ~~Children and Family~~  
34 **Services Health and Human Services**.

35 (2) "Foster parent" means any person with whom a child in the care, custody,  
36 or guardianship of the ~~office of children and family services~~ **Louisiana Department**  
37 **of Health and Human Services** is placed for temporary or long-term care of not  
38 more than three years, but shall not include any person with whom a child is placed  
39 for the purpose of adoption.

40 (3) "Office" means the office of ~~children and family services~~ **child welfare**  
41 of the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
42 **Services**.

43 B. There is hereby established a Kinship Foster Care Program in the office  
44 of ~~children and family services~~ **child welfare** of the Louisiana Department of  
45 ~~Children and Family Services~~ **Health and Human Services**.

46 C.(1) Except as provided by Paragraph (2) of this Subsection, when a child  
47 has been removed from his home and is in the care, custody, or guardianship of the  
48 office of ~~children and family services~~ **child welfare**, the office shall make reasonable  
49 attempts to place the child with a relative for kinship foster care. If the relative is  
50 approved by the office to provide foster care services, in accordance with rules and  
51 regulations adopted by the Louisiana Department of ~~Children and Family Services~~  
52 **Health and Human Services** regarding foster care services and a placement with  
53 the relative is made, the relative shall be eligible to receive payment for the full  
54 foster care rate for the care of the child and any other benefits that might be available  
55 to foster parents, whether in money or in service. The reimbursement rate shall be  
56 in accordance with the system established by the department pursuant to R.S. 46:286.

57 \* \* \*

58 (3) A relative may continue to be eligible for foster care reimbursement for  
59 caring for a child in the care, custody, or guardianship of the office of ~~children and~~  
60 ~~family services~~ beyond three years when:

61 \* \* \*

1 D. The office of ~~children and family services~~ shall establish, in accordance  
2 with the provisions of this Section, eligibility standards for becoming a kinship foster  
3 parent including the following:

4 \* \* \*

5 (2) The kinship foster parent shall be twenty-one years of age or older, except  
6 that if the spouse or partner of the relative is twenty-one years of age or older and  
7 living in the home, and the relative is between eighteen and twenty-one years of age,  
8 the office of ~~children and family services~~ shall waive the age requirement.

9 E.

10 \* \* \*

11 (2) The office of ~~children and family services~~ shall conduct the investigation  
12 required by this Section and shall require each prospective kinship foster parent to  
13 provide such information as is necessary to obtain the information required to  
14 complete the investigation. The office of ~~children and family services~~ shall request  
15 such information and assistance from federal, state, and local governmental agencies  
16 as necessary to complete the investigation. Only information which bears a  
17 reasonable relation to the performance of the duties of a kinship foster parent shall  
18 be considered.

19 \* \* \*

20 F. The office of ~~children and family services~~ shall determine whether the  
21 person is able to care effectively for the child by completing all of the following:

22 \* \* \*

23 G. The office of ~~children and family services~~ and the kinship foster parent  
24 shall develop a case plan for the foster care of the child, which shall be periodically  
25 reviewed and updated. If the plan includes the use of an approved day care center or  
26 family day care home, the office of children and family services shall pay for child  
27 care arrangements, according to the rates established by the department, but only if  
28 funds are made available by appropriation by the legislature. The kinship foster  
29 parent shall cooperate with any activities specified in the case plan for the foster  
30 child, such as counseling, therapy, court sessions, or visits with the foster child's  
31 parents or other family members. The kinship foster parent shall also cooperate and  
32 assist in efforts to achieve a safe, permanent home for the child.

33 \* \* \*

34 J. The secretary of the Louisiana Department of ~~Children and Family~~  
35 ~~Services~~ **Health and Human Services** shall adopt rules and regulations necessary  
36 to carry out the provisions of this Section in accordance with the Administrative  
37 Procedure Act.

38 \* \* \*

39 §286.2. Children in foster care; identification card; photograph

40 A. Except as provided in Subsection B of this Section, for a child placed into  
41 foster care, as defined in Children's Code Article 603, the Louisiana Department of  
42 ~~Children and Family Services~~ **Health and Human Services** shall obtain one of the  
43 following no later than ninety days after the placement of the child in the custody of  
44 the state:

45 \* \* \*

46 B. If the Louisiana Department of ~~Children and Family Services~~ **Health and**  
47 **Human Services** is unable to comply with the provisions of Subsection A of this  
48 Section due to the child's incarceration, elopement, physical or mental disability, or  
49 specialized placement where the child cannot be transported, or upon approval of the  
50 court, the department shall obtain the special identification card or photograph no  
51 later than ninety days from the date the condition preventing compliance ceases to  
52 exist.

53 \* \* \*

54 §286.12. Purpose

55 Foster parents are recognized as primary care givers to abused and neglected  
56 children who have been removed from their homes of origin. The Louisiana  
57 Department of ~~Children and Family Services~~ **Health and Human Services** shall  
58 implement and promote the support of these rights through the policy and practice  
59 of the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
60 **Services**.

61 §286.13. Rights

1 Foster parents shall be entitled to the following rights granted to them by the  
2 Louisiana Department of ~~Children and Family Services~~ Health and Human  
3 Services:

4 \* \* \*

5 (3) The right to receive all information on a child, at placement, and on an  
6 ongoing basis, that could impact the care provided the child, the health, and safety  
7 of the child and foster family members. Information shall include the case plan and  
8 the health, medical, educational, legal, and social history as known to the Louisiana  
9 Department of ~~Children and Family Services~~ Health and Human Services to better  
10 meet the needs of children in their care.

11 \* \* \*

12 §286.16. Short title; purpose; rights

13 \* \* \*

14 B. The Louisiana Department of ~~Children and Family Services~~ Health and  
15 Human Services shall implement, promote, and support the rights contained in this  
16 Section through the policies and practices of the department as applied to youth ages  
17 fourteen through eighteen who are in foster care in this state.

18 \* \* \*

19 §288.2. Definitions

20 As used in this Subpart, the following terms shall have the following  
21 meanings:

22 (1) "Court" means the court that exercised juvenile jurisdiction over the child  
23 in need of care proceedings involving the youth prior to his eighteenth birthday.

24 (2) "Department" means the Louisiana Department of ~~Children and Family~~  
25 Services Health and Human Services.

26 \* \* \*

27 §352. Definitions

28 As used in this Part, the following definitions apply:

29 (1) "Public assistance" means any of the following:

30 (a) Cash benefits of the Family Independence Temporary Assistance Program  
31 administered by the ~~Department of Children and Family Services~~ Louisiana Works.

32 \* \* \*

33 §356. Rulemaking

34 The secretary of Louisiana Works, ~~the secretary of the Department of~~  
35 ~~Children and Family Services~~, **and** the secretary of the Louisiana Department of  
36 **Health and Human Services**, the state superintendent of education, and the  
37 president of the Louisiana Community and Technical College System shall  
38 promulgate all rules in accordance with the Administrative Procedure Act necessary  
39 to implement the provisions of this Part.

40 \* \* \*

41 §401. Reciprocal agreements regarding interstate transportation of poor and indigent

42 The Louisiana Department of ~~Children and Family Services~~ Health and  
43 Human Services, subject to the approval of the attorney general, may enter into  
44 reciprocal agreements with corresponding state agencies of other states regarding the  
45 interstate transportation of poor and indigent persons, and may arrange with the  
46 proper officials in this state for the acceptance, transfer, and support of persons  
47 receiving public aid in other states in accordance with the terms of the reciprocal  
48 agreements; provided that this state shall not, nor shall any parish or other political  
49 subdivision of this state, be committed to the support of persons who are not, in the  
50 opinion of the department, entitled to public support by the laws of this state.

51 \* \* \*

52 §441. Surviving spouse of public assistance recipients; retention of benefits received  
53 during month of death

54 A surviving spouse of a ~~general~~ **public** assistance recipient is hereby  
55 authorized to receive and retain any financial assistance paid by the ~~Department of~~  
56 ~~Children and Family Services~~ Louisiana Works to or for the benefit of ~~said~~ **the**  
57 recipient during the month of the death of said recipient, whether or not the check  
58 covering ~~such~~ **the public** assistance was actually received prior to the death of the  
59 recipient.

60 \* \* \*

61 §443. Exemption of income and resources

1 The secretary of ~~the Department of Children and Family Services~~ **Louisiana**  
2 **Works** and the secretary of the Louisiana Department of Health are hereby  
3 authorized to adopt income and resources exemption policies to the extent necessary  
4 to conform with the federal Economic Opportunity Act, any social security  
5 provision, and any other laws of congress to obtain federal block grant or matching  
6 funds for the state's public assistance program. Such income and resources  
7 exemption policies shall prevail in the event they conflict with R.S. 46:151, 153, 154,  
8 and 233.

9 §444. Cooperation with administrative agencies relative to interchange of  
10 information

11 ~~The Department of Children and Family Services~~ **Louisiana Works** is  
12 hereby authorized to provide for interchange of such information necessary in  
13 providing for work training experiences as required by Public Law 90-248, as the  
14 secretary of the United States Department of Health, Education and Welfare, or its  
15 successor department, may require for federal matching purposes.

16 \* \* \*

17 §447. Revision of standard of need; aid to families with dependent children; general  
18 assistance

19 A. The Louisiana Department of Health and ~~the Department of Children and~~  
20 ~~Family Services~~ **Louisiana Works** jointly shall revise the standard of need for the  
21 Family Independence Temporary ~~Assistance~~ **Assistance** Program and the general  
22 assistance program each year, basing such standard on the Annual Update of the  
23 Poverty Income Guidelines published by the United States Department of Health and  
24 Human Services. The standard shall reflect the higher of the southern and national  
25 averages. The departments shall cause such revised standard to become effective on  
26 January first of each year.

27 B. Implementation of this provision shall be contingent on the Louisiana  
28 Department of Health **and Human Services** and ~~the Department of Children and~~  
29 ~~Family Services~~ **Louisiana Works** certifying to the commissioner of the division of  
30 administration that the revision will not increase the total state dollar expenditure for  
31 the two departments.

32 \* \* \*

33 §447.3. In-hospital mental health care for adopted children; state's duty to furnish

34 To the extent funds are appropriated by the legislature for such purpose, in  
35 all adoption subsidy agreements executed after September 1, 2001, involving a child  
36 in the custody of the **Louisiana** ~~Department of Children and Family Services~~ **Health**  
37 **and Human Services**, the state shall agree to provide acutely medically necessary  
38 in-hospital mental health treatment for that child until he reaches the age of majority,  
39 provided that the child is not eligible for, or has otherwise exhausted benefits under  
40 Medicaid, LaCHIP, or any contract of health and accident insurance or any health  
41 benefit plan. The burden of providing the appropriate documentation of the child's  
42 eligibility for medical benefits under this statute shall be upon the adoptive parents.

43 \* \* \*

44 §448. Emergency assistance information and referral

45 A. As used in this Section:

46 (1) ~~"Office of children and family services"~~ shall mean the office of children  
47 ~~and family services, Department of Children and Family Services, state of Louisiana.~~

48 (2)(1) "Emergency assistance" shall mean any service, food, clothing, shelter,  
49 money grant, or any other assistance available to people who find their ability to  
50 obtain the necessities of life threatened by fire, flood, death, or other sudden and  
51 necessitous circumstances.

52 (3)(2) "Governmental agency" shall mean any political subdivision  
53 department, office, agency, board, corporation, or other instrumentality funded in  
54 whole or in part by local, state, or federal funds that provides some form of  
55 emergency assistance in this state.

56 (4)(3) "Private agency" shall mean any department, office, agency, board,  
57 corporation, or other instrumentality that provides some form of emergency  
58 assistance in this state, but shall not include any private agency that chooses not to  
59 take referrals or discriminates in their assistance on the grounds of race.

60 B. The ~~office of children and family services~~ **Louisiana Department of**  
61 **Health and Human Services** shall gather through its local offices information on  
62 all governmental and private agencies in each parish as to the type of assistance each

1 agency can and will provide and as to what eligibility requirements, if any, these  
2 agencies apply to their assistance.

3 C. ~~The office of children and family services~~ **Louisiana Department of**  
4 **Health and Human Services** shall designate an office in each parish which will aid  
5 people seeking emergency assistance, either in person or by telephone, to identify  
6 what assistance, if any, the person can obtain. The office of children and family  
7 services shall publicize in each parish the availability of this information.

8 D. Each office will report at the end of each calendar year to the ~~assistant~~  
9 ~~secretary of the office of children and family services~~ **Louisiana Department of**  
10 **Health and Human Services**, the total number and type of emergency assistance  
11 requests it has received and the number and type of emergency assistance requests  
12 for which no agency provides assistance in that area. The reports shall be available  
13 to the public on request.

14 E. The services provided pursuant to this Section shall be funded from such  
15 monies as are already provided for the ~~office of children and family services~~  
16 **Louisiana Department of Health and Human Services**, and to this end, shall be  
17 deemed not to require additional personnel or appropriations.

18 \* \* \*

19 §450. WIC Program; authorized vendor participation

20 A. Notwithstanding any other state laws or any rules or regulations  
21 promulgated by the **Louisiana Department of Children and Family Services Health**  
22 **and Human Services**, no applicant shall be prohibited from participating in the WIC  
23 Program as an authorized vendor based on:

24 \* \* \*

25 §450.1. Electronic authorization and distribution of public assistance benefits and  
26 services

27 A. ~~The office of children and family services, Department of Children and~~  
28 ~~Family Services,~~ **Louisiana Department of Health and Human Services and**  
29 **Louisiana Works** shall contract for the development and implementation of an  
30 electronic issuance system for the authorization and distribution of benefits and  
31 services provided by public assistance programs. Such programs shall include but not  
32 be limited to issuance of benefits and services of the Supplemental Nutrition  
33 Assistance Program and the Family Independence Temporary Assistance Program  
34 (FITAP), and shall require that all recipients who participate in programs for which  
35 benefits and services are authorized and distributed through the system shall obtain  
36 benefits through ~~such the~~ **the** electronic issuance system, subject only to ~~such the~~  
37 ~~exceptions as shall be~~ **the** necessary for the effective functioning of the ~~program~~  
38 **programs**.

39 \* \* \*

40 §460.1. Submission of quarterly reports to the legislature

41 ~~The Department of Children and Family Services~~ **Louisiana Works** shall  
42 submit copies of the federal quarterly ACF-196 and ACF-696 reports to the House  
43 and Senate committees on health and welfare, the House Committee on  
44 Appropriations, and the Senate Committee on Finance at the time these reports are  
45 submitted to the federal government. Upon request, the department shall submit  
46 copies of any other report the legislature deems necessary.

47 \* \* \*

48 §460.5. Earned income disregards for certain TANF recipients

49 A. In order to promote self-sufficiency, ~~the Department of Children and~~  
50 ~~Family Services~~ **Louisiana Works** shall disregard a recipient's first six months of  
51 earnings up to nine hundred dollars of gross earnings per month in determining the  
52 amount of his household's benefit under Temporary Assistance for Needy Families,  
53 provided that ~~such the~~ **the** recipient is engaged in a work activity which has been  
54 approved by the department as part of his work participation requirement under  
55 TANF.

56 \* \* \*

57 §460.7. Incentive Award Program; dropout reduction; teen pregnancy reduction

58 A. ~~The Department of Children and Family Services~~ **Louisiana Works** in  
59 consultation with the Department of Education shall develop and implement a  
60 special program, the Incentive Award Program, whereby the governing authority of  
61 a parish and a parish school system may receive a financial award for reducing the  
62 teen pregnancy rate and dropout rate for the parish.

\* \* \*

C. Through the Incentive Award Program, the department shall provide a financial award to each of the ten parishes identified in the annual progress report ~~which that~~ have demonstrated the most significant reduction in dropout rates, as defined by rule of the Department of Education, and in teen pregnancy rates as defined by rule of ~~the Department of Children and Family Services~~ **Louisiana Works**. The financial award shall be distributed to ~~such the~~ ten parish school systems. These awards may be expended by the parish school system to implement innovative community-based and school-based programs designed to further reduce the dropout rate and the teen pregnancy rate for the parish and for instructional enhancement programs.

\* \* \*

§460.8. TANF eligibility; teen parent living arrangements; work participation requirements; submission of waiver

A.(1)(a) Any recipient of Temporary Assistance for Needy Families Block Grant (TANF) benefits who is less than eighteen years of age, is not married, and is a custodial parent shall live in an approved adult-supervised living arrangement with his ~~or her~~ child, except when evidence is presented to a caseworker of ~~the Department of Children and Family Services~~ **Louisiana Works** that the teen parent, or his ~~or her~~ child, has been subjected to emotional or physical abuse.

(b)(i) If the caseworker determines that the teen parent, or his ~~or her~~ child, has been subjected to the abuse of an adult with whom they are living in a primary relationship and that under the circumstances the teen, and his ~~or her~~ child, would be safer living outside the present adult-supervised living arrangement, then the teen parent and child shall be allowed to live outside ~~such the adult-supervised~~ living arrangement temporarily.

(ii) If the teen parent leaves his ~~or her~~ ~~such the adult-supervised~~ living arrangement, the caseworker shall monitor the teen's case no less frequently than once a month and shall assist the teen parent in locating another approved adult-supervised living arrangement, taking into consideration the needs and concerns of the teen parent and child.

(c) The teen parent shall be allowed to receive TANF benefits on behalf of himself ~~or herself~~, and his ~~or her~~ child, while temporarily living outside an adult-supervised living arrangement as provided in this Subsection.

\* \* \*

B. The secretary of ~~the Department of Children and Family Services~~ **Louisiana Works** may temporarily exempt from the work participation requirements any female who is in a two-parent TANF family who presents sufficient evidence to support a claim that she has been incapable of maintaining a job or regularly reporting to her place of employment because she is a victim of domestic violence and has been forced to move into a shelter or another protective environment outside her home.

\* \* \*

§460.10. Drug testing for certain adult recipients of public assistance; legislative policy; procedures

A. The legislature hereby reaffirms the legitimate government function of promoting the safety and welfare of children and adults. The legislature declares that the best interests of a significant portion of the state's population are served by ensuring that they are free of the physical and mental impairments associated with drug dependence. The legislature further reaffirms its compelling interest in providing safeguards to eliminate the misappropriation of ~~entitlement~~ **public assistance** benefits. The legislature hereby directs the secretary of ~~the Department of Children and Family Services~~ **Louisiana Works**, in consultation with the secretary of the Louisiana Department of Health **and Human Services** and the commissioner of administration, to establish a mandatory drug testing program for certain adults in the Temporary Assistance for Needy Families Block Grant Program.

B.(1) The secretary of ~~the Department of Children and Family Services~~ **Louisiana Works** shall cause to be instituted a mandatory drug testing program for certain adult participants, to be determined by the secretary in consultation with the secretary of the Louisiana Department of Health **and Human Services** and the commissioner of administration, in the Temporary Assistance for Needy Families Block Grant Program. **However, no** ~~No~~ participant shall be tested if such testing is

1 prohibited by federal law. No sanction shall be imposed on an adult participant if  
2 such sanction is prohibited by federal law.

3 **(2) The** ~~Such~~ testing program shall provide procedural safeguards to ensure  
4 the protection of the constitutional rights of the program participants and provide that  
5 testing shall be done by state certified laboratories.

6 C.**(1)** The required drug testing program shall require a participant to  
7 complete an education and rehabilitation program upon the initial identification of  
8 ~~such the~~ participant as an illegal drug user verified by a positive test result as a  
9 prerequisite to continued receipt of benefits. Further, the drug testing program shall  
10 provide for the suspension of participation in ~~such entitlement~~ **the public assistance**  
11 program for a participant subsequently identified by a verified positive test result as  
12 an illegal drug user; ~~however.~~ **However,** in no event shall participation in ~~such~~  
13 ~~entitlement~~ **the public assistance** program be suspended while the participant is  
14 taking part in the education and rehabilitation program or until an education and  
15 rehabilitation program is available to the participant.

16 **(2)(a)** The secretary of ~~the Department of Children and Family Services~~  
17 **Louisiana Works,** in conjunction with the secretary of the Louisiana Department of  
18 Health **and Human Services** and the commissioner of administration, shall provide  
19 a program of education and rehabilitation for participants so identified as illegal drug  
20 users.

21 **(b) Such The** program shall include regulations governing the reentry of a  
22 suspended ~~recipient~~ **participant** into the ~~entitlement~~ **public assistance** program  
23 based on subsequent testing results and completion of education and rehabilitation  
24 programs.

25 **(c) Such The** program shall also include the provision of inpatient services  
26 for any participant identified as an illegal drug user if it is determined that such  
27 inpatient services are necessary for successful rehabilitation.

28 D. The secretary of ~~the Department of Children and Family Services~~  
29 **Louisiana Works,** in consultation with the secretary of the Louisiana Department  
30 of Health **and Human Services** and the commissioner of administration, shall  
31 promulgate rules and regulations to implement the provisions of this Section in  
32 accordance with the Administrative Procedure Act. Such rules and regulations shall  
33 provide that the cost of testing participants for the presence of illegal drugs and the  
34 treatment of such participants pursuant to the provisions of this Section shall be  
35 borne by the department or departments that grant the applicable public assistance.

36 E. The secretary of **Louisiana Works** shall prepare a written statistical report  
37 on the program and submit the report to the legislature on or before January 1, 1999  
38 and annually thereafter.

39 §932. Powers and duties

40 The office shall have the following powers and duties:

41 \* \* \*

42 (12) To administer all federal funds appropriated, allocated, or otherwise  
43 made available to the state for services to the elderly, whether by block grant or in  
44 any other form, with the exception of funds for programs administered by ~~the~~  
45 ~~Department of Children and Family Services~~ or the Louisiana Department of Health  
46 **and Human Services,** on August 15, 1995, or the Louisiana Department of Health  
47 ~~on October 1, 2025;~~ **or Louisiana Works** and to distribute those funds in accordance  
48 with ~~and consistent with R.S. 46:936~~ **state and federal requirements.**

49 \* \* \*

50 §972.1. Louisiana Pregnancy and Baby Care Initiative

51 A.(1) The Louisiana Pregnancy and Baby Care Initiative is hereby created,  
52 within the ~~Louisiana~~ Department of ~~Children and Family Services~~ **Health and**  
53 **Human Services,** to act as a statewide social service program to enhance and  
54 increase resources that promote childbirth instead of abortion for women facing  
55 unplanned pregnancies and to offer a full range of services, including pregnancy  
56 support services, parenting help, and adoption assistance.

57 \* \* \*

58 §1002. Vocational testing and counseling; purpose; duties of the office of children  
59 and family services

60 A. ~~The Department of Children and Family Services, office of children and~~  
61 ~~family services,~~ **Louisiana Works** shall provide, in each of its regional offices,  
62 vocational testing and counseling on the subjects of higher education and

1 employment for those individuals in long-term foster care at the youngest age  
2 deemed appropriate to process the information.

3 B. Through vocational testing, ~~the office of children and family services~~  
4 **Louisiana Works** shall seek to identify areas of potential interest and potential  
5 employment that are specific to an individual in foster care and, to this end, the  
6 office shall:

7 \* \* \*

8 C. ~~The office of children and family services~~ **Louisiana Works** shall adopt  
9 all necessary rules and regulations to carry out the provisions of this Chapter.

10 \* \* \*

11 §1251. Juvenile probation; parole and intake services

12 \* \* \*

13 B. The intake service provided hereunder shall be limited to examining and  
14 evaluating complaints that a child is a delinquent or is a child in need of supervision  
15 and advising the district attorney whether the best interests of the child would be  
16 served by the initiation of proceedings under the Children's Code, the signing of an  
17 informal adjustment agreement, referral to the Louisiana Department of ~~Children~~  
18 ~~and Family Services~~ **Health and Human Services**, referral to a public or private  
19 agency for assistance, or any other legally permissible course of action. The  
20 personnel assigned to perform these duties shall not assume any prosecutorial  
21 functions except for the filing of a petition as authorized by the Children's Code.

22 \* \* \*

23 §1259. Restrictions on use of records

24 \* \* \*

25 B. Nothing in this Section shall prohibit the interchange of records, reports,  
26 or any other information among the various offices of the ~~Department of Children~~  
27 ~~and Family Services~~ and Louisiana Department of Health **and Human Services** and  
28 among the various personnel thereof. Additionally, nothing in this Section shall  
29 prohibit any judge serving as judge of a juvenile court from access to all of the  
30 records of any child before that court.

31 \* \* \*

32 §1352. Definitions

33 In this Chapter:

34 (1) "Approved runaway and homeless youth residential program or facility"  
35 means any residential program or facility licensed by the division of licensing and  
36 certification of the Louisiana Department of ~~Children and Family Services~~ **Health**  
37 **and Human Services** as a child residential care provider including a community  
38 home, a group home, a residential home, an adult residential facility possessing a  
39 waiver for the housing of juveniles, or an emergency shelter.

40 (2) "Department" means the Louisiana Department of ~~Children and Family~~  
41 ~~Services~~ **Health and Human Services**.

42 \* \* \*

43 §1353. Notice to parent or guardian; reporting requirements to parent, legal  
44 custodian; seventy-two hours of safe harbor

45 \* \* \*

46 D. A runaway youth over the age of eleven admitted to an approved runaway  
47 and homeless youth residential program or facility licensed by the Louisiana  
48 Department of ~~Children and Family Services~~ **Health and Human Services** shall be  
49 provided seventy-two hours of safe harbor unless otherwise designated by order of  
50 a court exercising juvenile jurisdiction regarding custody of the runaway youth, or  
51 unless the child is in the custody of a state agency which may elect to remove the  
52 child earlier without a court order.

53 \* \* \*

54 G. Whenever a report has been filed by the facility or program in accordance  
55 with the provisions in R.S. 14:403, the facility or program shall be legally authorized  
56 to provide care for the runaway youth pending a determination by the Louisiana  
57 Department of ~~Children and Family Services~~ **Health and Human Services** or a  
58 court exercising juvenile jurisdiction regarding custody of the runaway youth.

59 \* \* \*

60 §1402. Legislative intent; declaration of purpose and policy

61 It is the intent of the legislature to protect the health, safety, and well-being  
62 of the children and youth of the state who are in out-of-home care on a regular or

1 consistent basis. Toward that end, it is the purpose of this Chapter to establish  
2 statewide minimum standards for the safety and well-being of children and youth,  
3 to ensure maintenance of these standards, and to regulate conditions in these  
4 facilities through a program of licensing. It shall be the policy of the state to ensure  
5 protection of all individuals under care by specialized providers and to encourage  
6 and assist in the improvement of programs. It is the further intent of the legislature  
7 that the freedom of religion of all citizens shall be inviolate. This Chapter shall not  
8 give the Louisiana Department of Health **and Human Services** ~~or the Department~~  
9 ~~of Children and Family Services~~ jurisdiction or authority to regulate, control,  
10 supervise, or in any way be involved in the form, manner, or content of any  
11 curriculum or instruction of a school or specialized provider sponsored by a church  
12 or religious organization so long as the civil and human rights of the clients and  
13 residents are not violated.

14 §1403. Definitions

15 As used in this Chapter, the following definitions shall apply unless the  
16 context clearly states otherwise:

17 \* \* \*

18 (3) "Department" means the Louisiana Department of ~~Children and Family~~  
19 ~~Services~~ **Health and Human Services**.

20 \* \* \*

21 §1404. Requirement of licensure

22 \* \* \*

23 B. Child-placing agencies within the Louisiana Department of ~~Children and~~  
24 ~~Family Services~~ **Health and Human Services** shall be exempt from the provisions  
25 of this Chapter. The department is authorized and mandated to perform its child-  
26 placing functions in accordance with the standards promulgated by the department  
27 for licensed child-placing agencies.

28 \* \* \*

29 §1414.1. State central registry

30 A. Any owner, operator, current or prospective employee, or volunteer of a  
31 specialized provider requesting licensure or licensed by the Louisiana Department  
32 of ~~Children and Family Services~~ **Health and Human Services** is prohibited from  
33 being employed by the specialized provider if that individual's name is recorded on  
34 the state central registry as a perpetrator for a substantiated finding of abuse or  
35 neglect of a child.

36 \* \* \*

37 §1425. Adoption services; requirements for advertising; injunctive relief;  
38 exceptions; penalties

39 \* \* \*

40 C. If any person advertises in violation of this Section, the attorney general,  
41 the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
42 **Services**, the appropriate district attorney, or any licensed child-placing agency or  
43 a Louisiana-based crisis pregnancy center may file suit in district court according to  
44 the general rules of venue to obtain injunctive relief to restrain the person from  
45 continuing the violation.

46 \* \* \*

47 §1427. Parent-child relationship

48 The Louisiana Department of ~~Children and Family Services~~ **Health and**  
49 **Human Services** shall not interfere with the parent-child relationship regarding the  
50 religious training of a child, where all of the following conditions are met:

51 \* \* \*

52 §1428. Immunization information; influenza

53 \* \* \*

54 B.(1) The Louisiana Department of Health **and Human Services** shall  
55 develop and provide information on influenza immunization to ~~the Department of~~  
56 ~~Children and Family Services~~. ~~The Department of Children and Family Services~~  
57 ~~shall~~ provide such information to each licensed specialized provider or child-placing  
58 agency, which shall make the information available to each child's parent or legal  
59 guardian and to each youth aged eighteen or above pursuant to Subsection A of this  
60 Section.

1 (2) The Louisiana Department of Health **and Human Services** and the  
2 ~~Department of Children and Family Services~~ shall determine respectively the most  
3 cost-effective and efficient means of distributing such information.

4 C. ~~The Department of Children and Family Services, in consultation with the~~  
5 Louisiana Department of Health; shall establish by rules and regulations all  
6 guidelines and procedures for carrying out the provisions of this Section in  
7 accordance with the Administrative Procedure Act.

8 D. Nothing in this Section shall be construed to require any specialized  
9 provider or child-placing agency, ~~the Department of Children and Family Services,~~  
10 or the Louisiana Department of Health to provide or pay for immunizations against  
11 influenza.

12 \* \* \*

13 §1430. Operating in violation of regulations; penalties and fines

14 A.(1) For violations related to supervision, criminal history record checks,  
15 state central registry clearances, staff-to-child ratios, motor vehicle checks, or failure  
16 to report critical incidents, the **Louisiana** Department of ~~Children and Family~~  
17 **Services Health and Human Services** may issue a written warning that includes a  
18 corrective action plan, in lieu of revocation, upon any person or specialized provider  
19 violating these requirements if such condition or occurrence does not pose an  
20 imminent threat to the health, safety, rights, or welfare of a child. Failure to  
21 implement a corrective action plan issued pursuant to this Section may result in  
22 either the assessment of a civil fine or license revocation or may result in both  
23 actions being taken by the department. Such civil fine shall not exceed two hundred  
24 fifty dollars per day for each assessment; however, the aggregate fines assessed for  
25 violations determined in any consecutive twelve-month period shall not exceed two  
26 thousand dollars.

27 \* \* \*

28 D.

29 \* \* \*

30 (2) After compliance with the requirements of Article VII, Section 9(B) of  
31 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,  
32 and prior to the monies being placed in the state general fund, an amount equal to the  
33 amount deposited as provided in Paragraph (1) of this Subsection shall be credited  
34 to a special fund hereby created in the state treasury to be known as the " Specialized  
35 Provider Licensing Trust Fund", hereinafter referred to as "the fund". The monies in  
36 the fund shall be subject to annual appropriation and shall be available exclusively  
37 for use by the **Louisiana** Department of ~~Children and Family Services~~ **Health and**  
38 **Human Services** for the education and training of employees, staff, or other  
39 personnel of specialized provider and child-placing agencies.

40 §1442.1. Definitions

41 As used in this Chapter, the following definitions shall apply unless the  
42 context clearly states otherwise:

43 \* \* \*

44 (2) "Department" means the **Louisiana** Department of ~~Children and Family~~  
45 **Services Health and Human Services**.

46 (3) "Office" means the office of children and family services **child welfare,**  
47 **Louisiana** Department of ~~Children and Family Services~~ **Health and Human**  
48 **Services**.

49 \* \* \*

50 §1442.2. The office of ~~children and family services~~ **child welfare**; duties

51 A. The office of ~~children and family services~~ **child welfare,** **Louisiana**  
52 Department of ~~Children and Family Services~~ **Health and Human Services** shall  
53 issue a request for proposals to establish intergenerational child care programs  
54 designed to employ or utilize senior workers as child care personnel. In developing  
55 the requirements for the request for proposals, the office shall consider a variety of  
56 program designs and funding arrangements which shall directly involve senior  
57 workers in daycare facilities and shall include but not be limited to programs  
58 providing salary stipends, transportation, or meals. Priority shall be given to  
59 proposals submitted from those areas of the state with significant numbers of elderly  
60 and with the greatest need for child care facilities.

61 \* \* \*

1 C. The office, ~~through the Department of Children and Family Services~~, shall  
2 promulgate rules and regulations in accordance with the Administrative Procedure  
3 Act to implement the requirements of this Chapter.

4 \* \* \*

5 §1445.3. Definitions

6 As used in this Chapter, unless otherwise indicated, the terms have the  
7 meaning ascribed to them in this Section as follows:

8 (1) "Agency adoption" means the agencies that are licensed by the Louisiana  
9 Department of ~~Children and Family Services~~ Health and Human Services pursuant  
10 to Children's Code Article 1198 et seq.

11 \* \* \*

12 (3) "Department" means the Louisiana Department of ~~Children and Family~~  
13 Services Health and Human Services.

14 \* \* \*

15 §1445.4. Adoption Awareness Program created

16 The Adoption Awareness Program is hereby created in the Louisiana  
17 Department of ~~Children and Family Services~~ Health and Human Services, and the  
18 department shall contract with eligible vendors or organizations to provide the  
19 supportive services as described in R.S. 46:1445.5.

20 \* \* \*

21 §1445.13. Adoption awareness; Louisiana Department of ~~Children and Family~~  
22 Services Health and Human Services

23 A link to the AdoptionOption.La.Gov website as provided for in R.S.  
24 40:1061.17, or any successor state agency administered website that promotes  
25 adoption awareness and makes adoption resource information available to the public,  
26 shall be made available and placed in a prominent location on the websites  
27 administered by the Louisiana Department of Health and Human Services ~~and the~~  
28 ~~Department of Children and Family Services~~. Any other state agency that  
29 administers a website may also provide a link to the AdoptionOption.La.Gov  
30 website.

31 \* \* \*

32 §1451. Definitions

33 As used in this Chapter, the following terms have the meaning ascribed to  
34 them in this Section:

35 (1) "Department" means the Louisiana Department of ~~Children and Family~~  
36 Services Health and Human Services.

37 \* \* \*

38 (3) "TANF" means the Temporary Assistance for Needy Families block grant  
39 program established pursuant to the Personal Responsibility and Work Opportunity  
40 Reconciliation Act of 1996, P.L. 104-193, and administered in this state by ~~the~~  
41 ~~Department of Children and Family Services~~ Louisiana Works.

42 \* \* \*

43 §1844. Basic rights for victim and witness

44 \* \* \*

45 W. Confidentiality of crime victims who are minors, victims of sex offenses,  
46 and victims of human trafficking-related offenses.

47 (1)(a) In order to protect the identity and provide for the safety and welfare  
48 of crime victims who are minors under the age of eighteen years and of victims of  
49 sex offenses or human trafficking-related offenses, notwithstanding any provision  
50 of law to the contrary, all public officials and officers and public agencies, including  
51 but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial  
52 officers, clerks of court, the Crime Victims Reparations Board, and the Louisiana  
53 Department of ~~Children and Family Services~~ Health and Human Services or any  
54 division thereof, shall not publicly disclose the name, address, contact information,  
55 or identity of crime victims who at the time of the commission of the offense are  
56 minors under eighteen years of age or of victims of sex offenses or human  
57 trafficking-related offenses, regardless of the date of commission of the offense. The  
58 confidentiality of the identity of the victim who at the time of the commission of the  
59 offense is a minor under eighteen years of age or the victim of a sex offense or  
60 human trafficking-related offense may be waived by the victim. The public  
61 disclosure of the name of the juvenile crime victim by any public official or officer  
62 or public agency is not prohibited by this Subsection when the crime resulted in the

1 death of the victim. Nothing in this Subsection shall be construed to require the  
2 redaction of a victim's name when the named victim is the one requesting such  
3 documents, reports, or any other records.

4 \* \* \*

5 (3) Notwithstanding any other provision of law to the contrary, all public  
6 officials, officers, and public agencies, including but not limited to all law  
7 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,  
8 the Crime Victims Reparations Board, and the Louisiana Department of ~~Children~~  
9 ~~and Family Services~~ **Health and Human Services** or any division thereof, charged  
10 with the responsibility of knowing the name, address, contact information, and  
11 identity of crime victims who are minors or of crime victims of a sex offense or a  
12 human trafficking-related offense as a necessary part of their duties shall have full  
13 and complete access to this information regarding a crime victim who is a minor or  
14 a victim of a sex offense or a human trafficking-related offense. Either prior to or at  
15 the time of a request for information, the public official or officer or public agency  
16 shall take measures to prevent the public disclosure of the name, address, contact  
17 information, or identity of such a crime victim who is a minor or a victim of a sex  
18 offense or human trafficking-related offense, which may include the use of initials,  
19 abbreviations, or any other form of concealing the identity of the victim on all public  
20 documents.

21 \* \* \*

22 (5)(a) In order to provide for the safety and welfare of victims of crimes  
23 against family members, household members, or dating partners, notwithstanding  
24 any provision of law to the contrary, all public officials and officers and public  
25 agencies, including but not limited to all law enforcement agencies, sheriffs, district  
26 attorneys, judicial officers, clerks of court, the Crime Victims Reparations Board,  
27 and the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
28 **Services** or any division thereof, shall not publicly disclose the address or contact  
29 information of victims of crimes against family members, household members, or  
30 dating partners. The confidentiality of the address and contact information of the  
31 victim of a crime against a family member, household member, or dating partner  
32 may be waived by the victim.

33 \* \* \*

34 (c) Notwithstanding any other provision of law to the contrary, all public  
35 officials, officers, and public agencies, including but not limited to all law  
36 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,  
37 the Crime Victims Reparations Board, and the Louisiana Department of ~~Children~~  
38 ~~and Family Services~~ **Health and Human Services** or any division thereof, charged  
39 with the responsibility of knowing the address and contact information of victims of  
40 crimes against family members, household members, or dating partners as a  
41 necessary part of their duties shall have full and complete access to this information  
42 regarding a victim of a crime against a family member, household member, or dating  
43 partner. Either prior to or at the time of a request for information, the public official  
44 or officer or public agency shall take measures to prevent the public disclosure of the  
45 address and contact information of a victim of a crime against a family member,  
46 household member, or dating partner.

47 \* \* \*

48 §1906.2. Interdepartmental cooperation

49 The Department of Public Safety and Corrections, ~~Department of Children~~  
50 ~~and Family Services~~, Louisiana Department of Health **and Human Services**,  
51 Department of Education, and the Juvenile and Family Court Judges Association  
52 shall consult and cooperate to develop a plan for treatment and a continuum of care  
53 for children alleged to be or adjudicated delinquent or in need of care or supervision.  
54 The purposes of such consultation shall include the goal of early intervention by the  
55 components of the juvenile justice system to assist children in receiving proper  
56 treatment so that they will be less likely to re-enter the system.

57 \* \* \*

58 §2122. Program creation

59 A. From federal funds, state funds, or funds made available from private or  
60 local sources for this purpose, the office of children and family services within the  
61 Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
62 **Services** is hereby authorized to establish a family violence program, hereafter called

1 the "Family Violence Prevention and Intervention Program," for the development of  
2 community-based shelters for victims of family violence. The Louisiana Department  
3 of ~~Children and Family Services~~ **Health and Human Services** shall establish such  
4 program within the office of ~~children and family services~~ **women's health and**  
5 **community health** which shall be the recipient of any funds made available for the  
6 program.

7 B. The ~~office of children and family services~~ Louisiana Department of  
8 **Health and Human Services** shall establish standards for the expenditure of state  
9 funds made available from federal, private, or local sources and shall assure the  
10 availability of personnel, resources, and equipment necessary for the purpose of the  
11 Chapter.

12 \* \* \*

13 §2136.2. Louisiana Protective Order Registry

14 \* \* \*

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

21 \* \* \*

22 §2145. Creation; purpose and duties of the commission

23 A. The Domestic Violence Prevention Commission is hereby created within  
24 the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
25 **Services**.

26 \* \* \*

27 §2147. Meetings

28 \* \* \*

29 D. The Louisiana Department of ~~Children and Family Services~~ **Health and**  
30 **Human Services** shall provide to the commission such clerical, administrative, and  
31 technical assistance and support as may be necessary to enable the commission to  
32 accomplish its goals.

33 §2148. State domestic violence coalition; appeal hearing prior to disciplinary action;  
34 notification requirements; mandatory representation

35 \* \* \*

36 B.(1) No later than forty-eight hours after any disciplinary action is taken by  
37 the coalition against any member of the coalition or domestic violence services  
38 provider, the state domestic violence coalition of Louisiana shall give written notice  
39 to the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
40 **Services**, the House and Senate committees on health and welfare, and the  
41 representative and senator for any district for which the member or provider renders  
42 services.

43 \* \* \*

44 §2161. Human trafficking victims services plan; children

45 A. With respect to children found to be victims of human trafficking, ~~the~~  
46 ~~Department of Children and Family Services, in conjunction with the Louisiana~~  
47 Department of Health **and Human Services**, shall develop a plan for the delivery of  
48 services to victims of human trafficking. Such plan shall include provisions for:

49 \* \* \*

50 B. In developing the plan, the ~~departments~~ **department** shall work ~~together~~  
51 with such other state and federal agencies, public and private entities, and other  
52 stakeholders as they deem appropriate.

53 C.(1) Each private entity that provides services to victims pursuant to the  
54 provisions of this Section shall submit to the governor's office of human trafficking  
55 prevention and to the Louisiana Department of ~~Children and Family Services~~  
56 **Health and Human Services** an annual report on their operations including  
57 information on the services offered, geographic areas served, the number of persons  
58 served, and individual status updates on each person served. This information shall  
59 not include the name, address, or other identifying information of the person served.  
60 The governor's office of human trafficking prevention shall compile the data from  
61 all of the reports submitted pursuant to the provisions of this Subsection and shall

1 provide this information to the legislature on or before the first day of February each  
2 year.

3 (2) Each statewide and local law enforcement entity that investigates cases  
4 of human trafficking or related sexual offenses and that provides services to victims  
5 pursuant to the provisions of this Section shall submit to the governor's office of  
6 human trafficking prevention and to the Louisiana Department of ~~Children and~~  
7 ~~Family Services~~ Health and Human Services an annual report on their operations  
8 including information on type of investigation, outcome of the investigation, and any  
9 services offered to victims, and demographic information related to the case and  
10 services offered.

11 (3) Each district attorney who prosecutes cases of human trafficking or  
12 related sexual offenses or who provides services to victims pursuant to the provisions  
13 of this Section shall submit to the governor's office of human trafficking prevention  
14 and to the Louisiana Department of ~~Children and Family Services~~ Health and  
15 Human Services an annual report on their operations including the prosecuting  
16 agency's name, parish, disposition of case, statute under which the offense was  
17 prosecuted, sentencing date, restitution ordered, restitution paid, value of assets from  
18 civil asset forfeiture, and any services offered to victims.

19 §2161.1. Human trafficking victims services plan; adults

20 A. With respect to any person referred to the Louisiana Department of  
21 ~~Children and Family Services~~ Health and Human Services who is eighteen years  
22 of age or older and who is found to be a victim of human trafficking in which the  
23 trafficking activity included commercial sexual activity or any sexual conduct  
24 constituting a crime under the laws of this state, the department shall refer the person  
25 to the appropriate department, agency, or entity to provide the person with the  
26 following:

27 \* \* \*

28 C.(1) Each private entity that provides services to victims pursuant to the  
29 provisions of this Section shall submit to the governor's office of human trafficking  
30 prevention and to the Louisiana Department of ~~Children and Family Services~~  
31 Health and Human Services an annual report on their operations including  
32 information on the services offered, training or certifications received specific to  
33 human trafficking, geographic areas served, the number of persons served, and  
34 individual status updates on each person served. This information shall not include  
35 the name, address, or other identifying information of the person served. The  
36 governor's office of human trafficking prevention shall compile the data from all of  
37 the reports submitted pursuant to the provisions of this Subsection and shall provide  
38 this information to the legislature on or before the first day of February each year.

39 (2) Each statewide and local law enforcement entity that investigates cases  
40 of human trafficking or related sexual offenses and that provides services to victims  
41 pursuant to the provisions of this Section shall submit to the governor's office of  
42 human trafficking prevention and to the Louisiana Department of ~~Children and~~  
43 ~~Family Services~~ Health and Human Services an annual report on their operations  
44 including information on the type of investigation, outcome of the investigation, and  
45 any services offered to victims, and demographic information related to the case and  
46 services offered.

47 (3) Each district attorney who prosecutes cases of human trafficking or  
48 related sexual offenses or who provides services to victims pursuant to the provisions  
49 of this Section shall submit to the governor's office of human trafficking prevention  
50 and to the Louisiana Department of ~~Children and Family Services~~ Health and  
51 Human Services an annual report on their operations including the prosecuting  
52 agency's name, parish, disposition of case, statute under which the offense was  
53 prosecuted, sentencing date, restitution ordered, restitution paid, value of assets from  
54 civil asset forfeiture, and any services offered to victims.

55 \* \* \*

56 §2169.1. Powers and duties

57 The office shall have the following powers and duties:

58 \* \* \*

59 (9) To monitor and evaluate the effectiveness and efficiency of programs that  
60 provide services to and programs for human trafficking victims, and annually report  
61 its findings and recommendations to the legislature, the Louisiana Department of  
62 ~~Children and Family Services~~ Health and Human Services, and any entity required

1 to submit a report under the provisions of R.S. 46:2161(C) and Children's Code  
2 Article 725.2(B).

3 \* \* \*

4 §2402. Definitions

5 Except where the context clearly indicates otherwise, in this Chapter:

6 \* \* \*

7 (4) "Child abuse prevention" means services and programs funded through  
8 the Children's Trust Dedicated Fund Account which are designed to prevent the  
9 occurrence or recurrence of child abuse and neglect as defined in Children's Code  
10 Article 603. Except for those provided in this Chapter and except for the purpose of  
11 planning and coordination pursuant to the provisions of this Chapter, the services and  
12 programs of the Louisiana Department of Children and Family Services **Health and**  
13 **Human Services** which are mandated by state law or state appropriation, or which  
14 are required for receipt of federal funds, shall not be subject to the provisions of this  
15 Chapter.

16 \* \* \*

17 §2404. Louisiana Children's Trust Fund Board; created; membership

18 \* \* \*

19 B.(1) The Louisiana Children's Trust Fund Board shall be composed of  
20 fifteen members as follows:

21 \* \* \*

22 (b) The assistant secretary of child welfare of the Louisiana Department of  
23 Children and Family Services **Health and Human Services**, or his designee.

24 \* \* \*

25 §2406. Comprehensive state plan for child abuse prevention

26 \* \* \*

27 G. The Louisiana Department of Children and Family Services **Health and**  
28 **Human Services**, the Department of Public Safety and Corrections, and the  
29 Department of Education shall participate and cooperate in the development of the  
30 state plan as deemed necessary by the cabinet.

31 \* \* \*

32 §2411. Definitions

33 Except where the context clearly indicates otherwise in this Chapter:

34 \* \* \*

35 (2) "Department" means the Louisiana Department of Children and Family  
36 Services **Health and Human Services**.

37 \* \* \*

38 §2552. Prevention of teen pregnancy and sexually transmitted diseases; agency  
39 cooperation

40 A. The state superintendent of education, ~~the secretary of the Department of~~  
41 ~~Children and Family Services~~, and the secretary of the Louisiana Department of  
42 Health **and Human Services** shall meet together not less than twice annually to  
43 review and evaluate the effectiveness of current state programs, including but not  
44 limited to sex education provided by public schools, aimed at reducing the rate of  
45 teen pregnancy and preventing the spread of HIV and other sexually transmitted  
46 diseases among the youth of Louisiana.

47 B. The state superintendent of education, ~~the secretary of the Department of~~  
48 ~~Children and Family Services~~, and the secretary of the Louisiana Department of  
49 Health **and Human Services** shall review and evaluate any programs that are  
50 available for implementation in Louisiana to educate the youth of Louisiana about  
51 the importance of preventing teen pregnancy and the spread of HIV and other  
52 sexually transmitted diseases by providing culturally competent education and  
53 outreach.

54 §2553. Report

55 The state superintendent of education, ~~the secretary of the Department of~~  
56 ~~Children and Family Services~~, and the secretary of the Louisiana Department of  
57 Health **and Human Services**, jointly, shall submit a written report of their findings  
58 and recommendations, including proposed legislation if necessary, for a  
59 comprehensive strategy to reduce the rate of teen pregnancy and prevent the spread  
60 of HIV and other sexually transmitted diseases among the youth of Louisiana on an  
61 annual basis to the legislature not later than sixty days prior to the commencement  
62 of the regular legislative session. Any recommendations made by the state

1 superintendent of education, ~~the secretary of the Department of Children and Family~~  
2 ~~Services~~, and the secretary of the Louisiana Department of Health shall be in  
3 accordance with the provisions of R.S. 17:281.

4 \* \* \*

5 §2605. Children's Cabinet Advisory Board

6 B. The advisory board shall be composed of the following members:

7 \* \* \*

8 (11) The assistant secretary of child welfare of the Louisiana Department of  
9 ~~Children and Family Services~~ **Health and Human Services** or his designee.

10 \* \* \*

11 §2605.1. Council on the Status of Grandparents Raising Grandchildren

12 \* \* \*

13 B. The council shall be composed of the following members:

14 \* \* \*

15 (2) ~~Three members~~ **One member** representing the ~~Department of Children~~  
16 ~~and Family Services~~ **Louisiana Works** appointed by the secretary of the department,  
17 ~~one of whom~~ **who** shall be a representative of the kinship care subsidy program, ~~one~~  
18 ~~of whom~~ shall be a representative of the Supplemental Nutrition Assistance Program,  
19 ~~and one of whom~~ shall be a representative of the foster care program.

20 (3) ~~Two~~ **Four** members representing the Louisiana Department of Health **and**  
21 **Human Services** appointed by the secretary of the department, one of whom shall  
22 be a representative of the behavioral health program, ~~and~~ one of whom shall be a  
23 representative of the Medicaid eligibility program, **one of whom shall be a**  
24 **representative of the Supplemental Nutrition Assistance Program, and one of**  
25 **whom shall be a representative of the foster care program.**

26 \* \* \*

27 §2607. Partners in Protecting Children Subcommittee

28 \* \* \*

29 C.(1) The subcommittee shall be composed of the following members:

30 \* \* \*

31 (f) The secretary of the Louisiana Department of ~~Children and Family~~  
32 ~~Services~~ **Health and Human Services**, or his designee.

33 \* \* \*

34 §2758.2. Integrated case management planning system; creation; membership;  
35 duties and responsibilities

36 A. The deputy secretary of the Department of Public Safety and Corrections,  
37 youth services, office of juvenile justice, and the secretary of the Louisiana  
38 Department of ~~Children and Family Services~~ **Health and Human Services** shall  
39 evaluate programs to be included in the Integrated Case Management System.

40 \* \* \*

41 Section 24. R.S. 47:299.5(B)(2), the introductory paragraph of 299.11 and 299.11(1)  
42 and (4), 299.41(B), 305.7(C)(2), 305.38, 463.112(C), 1508(B)(23), 1676(4)(d), 1677(F)(5),  
43 6003(C)(4)(i), 6028(B)(2)(d)(ix), 6042(E)(2) and (F)(3) and (4), 6102(2), 6105(A), and  
44 9027(C)(10) are hereby amended and reenacted to read as follows:

45 §299.5. Procedure for making offset claims

46 \* \* \*

47 B.

48 \* \* \*

49 (2) The Louisiana Department of ~~Children and Family Services~~ **Health and**  
50 **Human Services** shall pay to the secretary a fee of four dollars for each offset claim.

51 \* \* \*

52 §299.11. Ranking and priority of claims

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

57 \* \* \*

58 (1) Claims of the division of **child** support enforcement of the ~~office of~~  
59 ~~children and family services of the Department of Children and Family Services~~  
60 **Department of Justice.**

61 \* \* \*

1 (4) Claims ~~reduced to judgment by any other office or facility within the~~  
2 ~~Department of Children and Family Services in priority order designated by the~~  
3 ~~secretary of that department, and then claims reduced to judgment by any office or~~  
4 ~~facility of the Louisiana Department of Health~~ **and Human Services** in priority  
5 order designated by the secretary of that department.

6 \* \* \*

7 §299.41. Ranking and priority of claims

8 \* \* \*

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

14 \* \* \*

15 §305.7. Exclusions and exemptions; intergovernmental; government

16 \* \* \*

17 C. The following items shall be exempt from the sales and use tax imposed  
18 by any taxing authority:

19 \* \* \*

20 (2) Eligible food items authorized for purchase under the Women, Infants,  
21 and Children's (WIC) Program as administered by the **Louisiana** Department of  
22 ~~Children and Family Services~~ **Health and Human Services** when the items are  
23 purchased with WIC Program benefits.

24 \* \* \*

25 §305.38. Exclusions and exemptions; sheltered workshop or supported employment  
26 provider for persons with intellectual disabilities

27 The sale at retail, the use, the consumption, the distribution, and the storage  
28 for use or consumption in this state of each item or article of tangible personal  
29 property or digital products by a sheltered workshop or a supported employment  
30 provider as defined in R.S. 39:1604.4 for persons with intellectual disabilities  
31 licensed by the **Louisiana** Department of ~~Children and Family Services~~ **Health and**  
32 **Human Services** as a day developmental training center for persons with intellectual  
33 disabilities shall not be subject to the sales and use taxes levied by the state or by any  
34 political subdivision thereof.

35 \* \* \*

36 §463.112. Special prestige license plates; foster and adoptive parenting

37 \* \* \*

38 C. The department shall collect an annual fee of twenty-five dollars for this  
39 special prestige license plate, which shall be dedicated to the **Louisiana** Department  
40 of ~~Children and Family Services~~ **Health and Human Services**, office of ~~children~~  
41 ~~and family services~~ **child welfare**, to be used solely for foster and adoptive parent  
42 recruitment activities. This fee shall be in addition to the regular motor vehicle  
43 license fee provided in R.S. 47:463, and a handling fee of three dollars and fifty cents  
44 to be retained by the department to offset a portion of administrative costs.

45 \* \* \*

46 §1508. Confidentiality of tax records

47 \* \* \*

48 B. Nothing contained in this Section shall be construed to prevent:

49 \* \* \*

50 (23) The sharing or furnishing of, upon the request of the ~~secretary~~ **attorney**  
51 **general** of the ~~Department of Children and Family Services~~ or her designee, the  
52 address and social security number of the person designated by ~~Department of~~  
53 ~~Children and Family Services~~ **the Department of Justice** as an absent parent and  
54 any report required by R.S. 47:114.1 for the purpose of implementing the provisions  
55 of R.S. 46:236.1.1 et seq., the family and child support program.

56 \* \* \*

57 §1676. Debt recovery

58 \* \* \*

59 (4)

60 \* \* \*

61 (d) The authorization provided for in this Paragraph shall not prime the claim  
62 of the Department of ~~Children and Family Services~~ **Justice** under the provisions of

1 R.S. 46:236.15(D) or R.S. 47:9026 to any payments of progressive slot machine  
2 annuities or cash gaming winnings.

3 \* \* \*

4 §1677. Financial institution data match

5 \* \* \*

6 F.

7 \* \* \*

8 (5) At the discretion of the secretary, the department or office and the  
9 Department of ~~Children and Family Services~~ **Justice** may enter into an agreement  
10 to share the costs of reimbursement fees paid to financial institutions for complying  
11 with financial institution data match laws pursuant to R.S. 46:236.1.4 or this Section.  
12 As part of any such agreement, the department shall make reimbursement out of  
13 current allocations.

14 \* \* \*

15 §6003. Work-Based Learning Tax Credit

16 \* \* \*

17 C. For purposes of this Section, the following terms shall have the meanings  
18 ascribed to them in this Subsection:

19 \* \* \*

20 (4) "Youth worker" means an individual who has attained the age of fifteen  
21 but not yet attained the age of twenty-four; is unemployed prior to being hired by a  
22 business that will apply for a credit authorized by this Section; will be working in a  
23 full-time or part-time position that pays wages that are equivalent to the wages paid  
24 for similar jobs, with adjustments for experience and training; and meets at least one  
25 of the following criteria:

26 \* \* \*

27 (i) Is currently or was in foster care, extended foster care, or the custody of  
28 the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
29 **Services**.

30 \* \* \*

31 §6028. Louisiana Youth Jobs Tax Credit Program

32 \* \* \*

33 B. Definitions. For purposes of this Section:

34 \* \* \*

35 (2) "Eligible youth" means an individual who:

36 \* \* \*

37 (d) Meets at least one of the following criteria:

38 \* \* \*

39 (ix) Is currently or was in foster care, extended foster care, or the custody of  
40 the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
41 **Services**.

42 \* \* \*

43 §6042. Credits; qualifying foster care charitable organizations

44 \* \* \*

45 E.

46 \* \* \*

47 (2) The Louisiana Department of ~~Children and Family Services~~ **Health and**  
48 **Human Services** shall, on or before the thirty-first day of January of each calendar  
49 year, submit a report to the secretary of the Department of Revenue listing all  
50 qualifying foster care charitable organizations that held a valid, unsuspended license  
51 issued by the Louisiana Department of ~~Children and Family Services~~ **Health and**  
52 **Human Services** during the prior calendar year. The report shall be in electronic  
53 format and contain the foster care organization's name and federal employer  
54 identification number or Louisiana Department of Revenue account number.

55 F. For purposes of this Section, the following words shall have the following  
56 meanings unless the context clearly indicates otherwise:

57 \* \* \*

58 (3) "Qualified individual" means a child in a foster care placement program  
59 established by the Louisiana Department of ~~Children and Family Services~~ **Health**  
60 **and Human Services**.

61 (4) "Qualifying foster care charitable organization" or "foster care  
62 organization" means an organization licensed by the Louisiana Department of

1 ~~Children and Family Services~~ **Health and Human Services** as a child placing  
2 agency to provide adoption and foster care services.

3 \* \* \*

4 §6102. Definitions

5 For purposes of this Chapter, the following terms shall have the following  
6 definitions:

7 \* \* \*

8 (2) "Child care facility" means any entity that the state administrator of the  
9 Child Care Development Fund determines is eligible to participate in the quality  
10 rating system according to criteria set forth by rule adopted in the manner provided  
11 for in R.S. 47:6103, has applied to the Louisiana Department of ~~Children and~~  
12 ~~Family Services~~ **Health and Human Services** for evaluation under such system, and  
13 is participating in the system.

14 \* \* \*

15 §6105. Child care provider tax credit

16 A. There shall be a credit against any Louisiana income tax for a child care  
17 provider. The tax credit shall be refundable as provided for in R.S. 47:6108. The tax  
18 credit shall be an amount based upon the average monthly number of children who  
19 either participate in the Child Care Assistance Program administered by the state  
20 Department of Education or who are foster children in the custody of the Louisiana  
21 Department of ~~Children and Family Services~~ **Health and Human Services**, and who  
22 are attending a child care facility or facilities operated by the child care provider,  
23 multiplied by an amount which shall be based upon the quality rating of each child  
24 care facility operated by the child care provider as follows:

25	Quality Rating of Child Care Facility Tax Credit Per Eligible Child Attending	
26	Five star	\$1,500
27	Four star	\$1,250
28	Three star	\$1,000
29	Two star	\$750
30	One star or nonparticipating facility	0

31 \* \* \*

32 §9027. Assignment of deferred lottery annuity prizes

33 \* \* \*

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

39 \* \* \*

40 (10) The petition required by this Subsection, shall be accompanied by a  
41 certification from a representative of the Department of ~~Children and Family~~  
42 ~~Services~~ **Justice**, office of children and family services **child support enforcement**  
43 **division**, stating any of the following:

44 (a) That the assignor or assignee does not currently have a child support  
45 arrearage, or the assignor or assignee does not owe an obligation to repay any public  
46 assistance benefits or an overpayment of child support benefits to the Department of  
47 ~~Children and Family Services~~ **Justice**.

48 (b) That the assignor or assignee does currently have a child support  
49 obligation and that no arrearage is due to the Department of ~~Children and Family~~  
50 ~~Services~~ **Justice**.

51 (c) That the assignor or assignee does currently have a child support  
52 arrearage, or the assignor or assignee does owe an obligation to repay any public  
53 assistance benefits or an overpayment of child support benefits to the Department of  
54 ~~Children and Family Services~~ **Justice**. The certification from the Department of  
55 ~~Children and Family Services~~ **Justice**, office of children and family services, shall  
56 be provided to the assignor and the assignee promptly upon the request of the  
57 assignor or the assignee, and in no event more than ten business days after said  
58 request is received by the Department of ~~Children and Family Services~~ **Justice**;  
59 office of children and family services.

60 \* \* \*

1 Section 25. R.S. 49:121(E), 149.23, the introductory paragraph of 992(D)(2)(b) and  
2 992(D)(2)(b)(iii)(bb) and (9), 1212(B)(5), 1512(B), and 1513(1) and (4) are hereby amended  
3 and reenacted to read as follows:

4 §121. Name of board, department, or subdivisions; marking on boat or vehicle;  
5 Louisiana public license plates; exemptions

6 \* \* \*

7 E. Those vehicles used in crime prevention and detection and similar  
8 investigative work, which if identified as required by this Section could not be used  
9 effectively for such purposes, are exempt from the provisions of this Part, and, in  
10 addition, the vehicles used by the governor, lieutenant governor, statewide elected  
11 officials, the Louisiana School for the Deaf, the Louisiana School for the Visually  
12 Impaired, the Special School District, and any community and group homes and  
13 residential facilities administered by ~~the Department of Children and Family~~  
14 ~~Services~~ or the Louisiana Department of Health **and Human Services** are exempt  
15 from the provisions of this Part.

16 \* \* \*

17 §149.23. Executive offices of the Department of Children and Family Services  
18 Any floor of any state building upon which the ~~executive offices~~ **office of**  
19 **child welfare** of the **Louisiana** Department of ~~Children and Family Services~~ are  
20 **Health and Human Services is** located shall be dedicated to the honor and memory  
21 of Mya George and all victims of child abuse.

22 \* \* \*

23 §992. Applicability; exemptions; attorney fees; court costs

24 \* \* \*

25 D.

26 \* \* \*

27 (2)

28 \* \* \*

29 (b) This Subparagraph shall apply to the Louisiana Department of Health **and**  
30 **Human Services**, ~~the Department of Children and Family Services~~, the Department  
31 of Education, and any agency within these departments:

32 \* \* \*

33 (iii)

34 \* \* \*

35 (bb) In Temporary Assistance for Needy Families (TANF) cases, if the  
36 secretary of ~~the Department of Children and Family Services~~ **Louisiana Works**  
37 approves, rejects, or modifies the recommended decision of the division, that  
38 approved, rejected, or modified decision shall be issued by the division as the final  
39 decision of the ~~Department of Children and Family Services~~ **Louisiana Works**.

40 \* \* \*

41 (9) Adjudications filed pursuant to R.S. 46:51.2, involving a risk evaluation  
42 panel decision, with the **Louisiana** Department of ~~Children and Family Services~~  
43 **Health and Human Services** shall be exempt from the provisions of this Chapter.

44 \* \* \*

45 §1212. Louisiana Council on the Success of Black Men and Boys; creation;  
46 domicile; membership

47 \* \* \*

48 B. The council shall be comprised of twenty-one members as provided in this  
49 Subsection and Subsection C of this Section:

50 \* \* \*

51 (5) A representative of the Louisiana Department of ~~Children and Family~~  
52 ~~Services~~ **Health and Human Services** who has expertise in the needs of children  
53 appointed by the secretary of the department.

54 \* \* \*

55 §1512. Legislative intent

56 \* \* \*

57 B. It is the intent of this Chapter that the Louisiana Department of Health **and**  
58 **Human Services**, state Department of Education, office of motor vehicles,  
59 Governor's Office of Homeland Security and Emergency Preparedness, Department  
60 of Public Safety and Corrections, ~~Department of Children and Family Services~~,  
61 Department of Revenue, and Louisiana higher education institutions determine the  
62 legal status of individuals receiving state services and benefits and to calculate and

1 report the total dollar value of services and benefits provided to individuals identified  
2 as "illegal aliens" or "unaccompanied alien children" as defined by federal law.

3 §1513. Definitions

4 For the purposes of this Chapter:

5 (1) "Agency" means the Louisiana Department of Health, state Department  
6 of Education, office of motor vehicles, Governor's Office of Homeland Security and  
7 Emergency Preparedness, Department of Public Safety and Corrections, ~~Department~~  
8 ~~of Children and Family Services~~, Department of Revenue, and Louisiana higher  
9 education institutions.

10 \* \* \*

11 (4) "State services and benefits" means all services and benefits provided by  
12 the Louisiana Department of Health **and Human Services**, state Department of  
13 Education, office of motor vehicles, Governor's Office of Homeland Security and  
14 Emergency Preparedness, Department of Public Safety and Corrections, ~~Department~~  
15 ~~of Children and Family Services~~, Department of Revenue, and Louisiana higher  
16 education institutions, including but not limited to healthcare, education, licenses,  
17 emergency assistance, and tax benefits.

18 \* \* \*

19 Section 26. The introductory paragraph of R.S. 51:1045.2(A), 1045.3(A), 1057(A)  
20 and (C)(1) and 1442(4) are hereby amended and reenacted to read as follows:

21 §1045.2. Solutions to poverty initiative; coordination

22 A. The Louisiana Department of ~~Children and Family Services~~ **Health and**  
23 **Human Services** shall be in charge of coordinating the overall development and  
24 implementation of the Governor's Solutions to Poverty Plan. The head of each of the  
25 following departments, offices and commissions shall select a coordinator from  
26 within the administration of each department, office or commission to work together  
27 to formulate plans and propose legislation to implement the recommended solutions:

28 \* \* \*

29 §1045.3. Solutions to poverty initiative; implementation

30 A. The departments, offices and commissions listed in R.S. 51:1045.2 shall  
31 plan to implement through feasibility studies, in those parishes listed in R.S.  
32 51:1035(A), the solutions recommended by the Governor's Summit on Solutions to  
33 Poverty as provided in this Section. The implementation plan and feasibility studies  
34 shall be coordinated through the Louisiana Department of ~~Children and Family~~  
35 ~~Services~~ **Health and Human Services**.

36 \* \* \*

37 §1057. Empowering Families to Live Well Louisiana Council and implementation  
38 plan

39 A. There is hereby established the Empowering Families to Live Well  
40 Louisiana Council to assist and empower struggling families throughout Louisiana.  
41 The council is hereby established within the Louisiana Department of ~~Children and~~  
42 ~~Family Services~~ **Health and Human Services** which shall exercise and perform its  
43 powers, duties, functions, and responsibilities in the manner provided for agencies  
44 transferred in accordance with the provisions of applicable state law.

45 \* \* \*

46 C.(1) The secretary of the Louisiana Department of ~~Children and Family~~  
47 ~~Services~~ **Health and Human Services**, or designee, and the chair of the Senate  
48 Committee on Health and Welfare, or designee, shall serve as cochairs of the  
49 council.

50 \* \* \*

51 §1442. Definitions

52 As used in this Chapter, the following words and phrases shall have the  
53 following meanings:

54 \* \* \*

55 (4) "Department" means the Department of ~~Children and Family Services~~  
56 **Justice**, ~~office of children and family services~~, child support enforcement division  
57 section.

58 \* \* \*

59 Section 27. Code of Civil Procedure Art. 10(A)(1), 683(D), 732(D), 2785(5),  
60 3601(B), 3603(C), and 4521(A)(3) are hereby amended and reenacted to read as follows:  
61 Art. 10. Jurisdiction over status

1 A. A court which is otherwise competent under the laws of this state has  
2 jurisdiction of the following actions or proceedings only under the following  
3 conditions:

4 (1) An adoption proceeding in accordance with Title XII of the Children's  
5 Code, if the surrendering parent of the child, a prospective adoptive parent, the  
6 adoptive parent or parents, or any parent of the child has been domiciled in this state  
7 for at least eight months, or if the child is in the custody of the Louisiana  
8 Department of ~~Children and Family Services~~ Health and Human Services; and an  
9 adoption proceeding in accordance with Civil Code Article 212, if either party to the  
10 adoption of an adult is domiciled in this state.

11 \* \* \*

12 Art. 683. Unemancipated minor

13 \* \* \*

14 D. Notwithstanding the provisions of Paragraph A, B, or C of this Article, an  
15 attorney appointed by the court having jurisdiction over an unemancipated minor  
16 who is in the legal custody of the Louisiana Department of ~~Children and Family~~  
17 ~~Services~~ Health and Human Services is the proper plaintiff to sue to enforce a right  
18 of an unemancipated minor. Upon application of the tutor or a person having parental  
19 authority who would otherwise be the proper plaintiff to sue pursuant to Paragraph  
20 B or C of this Article, the court shall appoint or substitute as the proper plaintiff the  
21 best qualified among the tutor, a person having parental authority, or the appointed  
22 attorney.

23 \* \* \*

24 Art. 732. Unemancipated minor

25 \* \* \*

26 D. Notwithstanding the provisions of Paragraph A, B, or C of this Article, an  
27 attorney appointed by the court having jurisdiction over an unemancipated minor  
28 who is in the legal custody of the Louisiana Department of ~~Children and Family~~  
29 ~~Services~~ Health and Human Services is the proper defendant in an action to  
30 enforce an obligation against an unemancipated minor. Upon application of the tutor  
31 or person having parental authority who would otherwise be the proper defendant to  
32 be sued pursuant to Paragraph B or C of this Article, the court shall appoint or  
33 substitute as the proper defendant the best qualified among the tutor, a person having  
34 parental authority, or the appointed attorney.

35 \* \* \*

36 Art. 2785. Definitions

37 For purposes of this Section:

38 \* \* \*

39 (5) "Party to a support order" means the obligee of a support order, or the  
40 state of Louisiana, Department of ~~Children and Family Services~~ Justice, or similar  
41 agency of another jurisdiction or state when supplying support services as defined  
42 in or substantially similar to R.S. 46:236.1(A)(7), or under the Uniform Interstate  
43 Family Support Act (UIFSA), or in performance of its official duties under Title IV,  
44 Subchapter D of the Social Security Act as stated in 45 C.F.R. 301.1.

45 \* \* \*

46 Art. 3601. Injunction; grounds for issuance; preliminary injunction; temporary  
47 restraining order

48 \* \* \*

49 B. No court shall issue a temporary restraining order in cases where the  
50 issuance shall stay or enjoin the enforcement of a child support order when the  
51 Department of ~~Children and Family Services~~ Justice is providing services, except  
52 for good cause shown by written reasons made a part of the record.

53 \* \* \*

54 Art. 3603. Temporary restraining order; affidavit or affirmation of irreparable injury  
55 and notification efforts

56 \* \* \*

57 C. No court shall issue a temporary restraining order in cases where the  
58 issuance shall stay or enjoin the enforcement of a child support order when the  
59 Department of ~~Children and Family Services~~ Justice is providing services, except  
60 for good cause shown by written reasons made a part of the record.

61 \* \* \*

62 Art. 4521. Payments to minor

1 A. In approving any proposal by which a minor is to be paid funds as the  
2 result of a judgment or settlement, the court may order:

3 \* \* \*

4 (3) That the funds be placed in trust in accordance with the Louisiana Trust  
5 Code or, for a beneficiary who is disabled as defined in 42 U.S.C. 1382c(a)(3), in a  
6 trust qualified under 42 U.S.C. 1396p(d)(4)(C) in accordance with the law of any  
7 state. The trust instrument shall name the minor as sole beneficiary of the trust, shall  
8 name a trustee, shall impose maximum spendthrift restraints, and may allow the trust  
9 to last for the lifetime of the beneficiary. Except for trusts qualified under 42 U.S.C.  
10 1396p(d)(4)(A) or 1396p(d)(4)(C), the trust shall, however, be subject to termination  
11 at the option of the beneficiary upon attaining the age of majority. If the minor fails  
12 to attain majority, the trust shall be subject to termination at the option of his heirs  
13 or legatees. The court shall not order funds that will be paid to an unemancipated  
14 minor who is in the legal custody of the Louisiana Department of ~~Children and~~  
15 Family Services ~~Health and Human Services~~ to be placed in trust if the amount of  
16 the judgment or settlement is less than fifty thousand dollars.

17 \* \* \*

18 Section 28. Code of Evidence Art. 902(10) is hereby amended and reenacted to read  
19 as follows:

20 Art. 902. Self-authentication

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

23 \* \* \*

24 (10) Labor reports. A copy of a report from the Louisiana Workforce  
25 Commission, or from any state or federal reporting agency, which is in the  
26 possession of a field officer of the ~~support enforcement services program, office of~~  
27 ~~children and family services Department of Children and Family Services, child~~  
28 support enforcement division of the Department of Justice introduced as  
29 evidence in any child or spousal support proceeding. "Field officer" means any  
30 person designated or authorized as a field officer pursuant to the provisions of R.S.  
31 46:236.1.8.

32 Section 29. Children's Code Art. 308(A), 311(B)(1)(b), 323(2), 324(A)(1) and (3),  
33 328.1(C), 405(G), 412(D)(2), 436(3)(a), 441(A)(3), 512(B)(1), 522(A)(2), 523(D)(2),  
34 544(A)(1), 581(A)(1), 603(1), (2), (11), (13), (17)(o), and (18), 603.1(B), 608(A)(1),  
35 609(A)(3)(a), 610, 615(E)(1) and (2), 631(A), the heading of Children's Code Art. 645,  
36 672(A)(1), 672.2(C), the introductory paragraph of 672.3(A), 672.3(A)(5), (B), (D), and (E),  
37 725, 725.1(1), 725.4, the heading of Children's Code Art. 725.5, the introductory paragraph  
38 of 730, 731(C)(5), 745(C), 749(A)(5), 767.1(C), 791.3(B), 811.1(F) and (G), 822(B),  
39 1003(2) and (6), 1036.2(E), 1103(1) and (4), 1109, 1117, 1122(B)(9) and (11), (F), and (G),  
40 1127.1(D), 1150(1), 1152(C)(3), 1169(1) and (4), 1180(C), 1182, 1186(B), the introductory  
41 paragraph of 1200(B) and 1200(H), 1201(C), the introductory paragraph of 1223(B) and  
42 1223(H), 1223.1(C), 1269.3(F), 1270(B), 1274, the heading of Chapter 16 of the Children's  
43 Code, 1281.3(1) and (4), 1282.5, 1283.2(H), 1283.3(C), 1283.16, 1284.5, 1285.2(H),  
44 1285.3(C), 1285.16, 1301.3, 1303.10(A), 1307.3, the introductory paragraph of 1307.4(A),  
45 1307.5(D), 1307.8(C)(2), 1351(4), 1427(C)(1)(c) and (2), 1515(A)(7) and (B), the  
46 introductory paragraph of 1517(E), 1518(B), 1519, 1567(B), and 1641(A) are hereby  
47 amended and reenacted and Children's Code Art. 603(33), (34), and (35), 610.1, 610.2, and  
48 610.3 are hereby enacted to read as follows:

49 Art. 308. Authority of courts to refer child abuse, neglect

50 A. Whenever any court of this state in the trial of any proceeding has cause  
51 to believe that a child's physical or mental health or welfare is endangered by abuse  
52 or neglect, it may report and refer the charges to the local child protection unit of the  
53 Louisiana Department of ~~Children and Family Services~~ Health and Human  
54 Services in accordance with Article 610.

55 \* \* \*

56 Art. 311. Juvenile jurisdiction over adults; support proceedings; coexistent orders

57 \* \* \*

58 B.(1) A court exercising juvenile jurisdiction shall have concurrent  
59 jurisdiction, except in East Baton Rouge Parish, in the following cases involving  
60 support of family:

61 \* \* \*

(b) Proceedings brought by the district attorney or the Department of ~~Children and Family Services~~ **Justice** to establish paternity or to establish, modify, or enforce support pursuant to provisions of R.S. 46:236.1.1 et seq., and Children's Code Article 1301.1 et seq.

\* \* \*

Art. 323. Definitions

\* \* \*

(2) "Department" means the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services**.

\* \* \*

Art. 324. Authorization

A. A court exercising juvenile jurisdiction may require that a statement of a protected person be recorded on videotape in conformity with Article 326 by any of the following:

(1) Motion of the court or motion of the district attorney, a parish welfare unit or agency, the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services**, or a child advocacy center operating in the judicial district.

\* \* \*

(3) Execution of a written protocol between the court and law enforcement agencies, a parish welfare unit or agency, the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services**, or a child advocacy center operating in the judicial district that authorizes the videotaping of any protected person without the necessity of the issuance of an order by the court in any individual case.

\* \* \*

Art. 328.1. Admissibility in civil, family, and administrative proceedings; discovery; confidentiality

\* \* \*

C. Nothing in this Article is intended to restrict the ability of the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services** or law enforcement from sharing information as authorized or required by state or federal law.

\* \* \*

Art. 405. Court or witness fees; travel expenses

\* \* \*

G. In all cases in which support rights have been assigned to the Department of ~~Children and Family Services~~ **Justice** as a condition of eligibility for Family Independence Temporary Assistance Program (FITAP) and in all civil, criminal, or juvenile support proceedings initiated by the department on its own behalf or on behalf of a non-FITAP applicant, the provisions of R.S. 46:236.1.1 et seq. shall apply as to imposition of a collection fee against the person owing the support obligation.

\* \* \*

Art. 412. Confidentiality of records; disclosure exceptions; sanctions

\* \* \*

D. When such information is relevant and necessary to the performance of their respective duties and enhances services to the child or his family, the court may authorize the release of records, reports, or certain information contained therein, limited to the specific purpose for which the court authorizes release, to appropriate individuals who represent any of the following when they are providing services to the child whose records are disclosed during the pendency of the matter about which the records are disclosed:

\* \* \*

(2) The Department of ~~Children and Family Services~~ **Justice**.

\* \* \*

Art. 436. Definitions

\* \* \*

(3) "Mediation parties" means:

(a) In a child in need of care proceeding, a representative of the Louisiana Department of ~~Children and Family Services~~ **Health and Human Services**, the parent, and the child.

\* \* \*

Art. 441. Confidentiality

1 A. All oral and written communications and records made during the  
2 mediation of a juvenile proceeding are not subject to disclosure and may not be used  
3 as evidence in any judicial or administrative proceeding unless:

4 \* \* \*

5 (3) Whenever the mediator has cause to believe that a child's physical or  
6 mental health or welfare is endangered by abuse or neglect, he shall report and refer  
7 the charges to the local child protection unit of the Louisiana Department of  
8 ~~Children and Family Services~~ **Health and Human Services** in accordance with  
9 Article 610.

10 \* \* \*

11 Art. 512. Composition of the multidisciplinary investigative team

12 \* \* \*

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

15 (1) The office of ~~children and family services~~ **child welfare, Louisiana**  
16 Department of ~~Children and Family Services~~ **Health and Human Services**.

17 \* \* \*

18 Art. 522. Applicability

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

21 \* \* \*

22 (2) An agreement to use the services of a child advocacy center has been  
23 executed by representatives of the district attorney, the office of ~~children and family~~  
24 ~~services;~~ **child welfare, Louisiana** Department of ~~Children and Family Services~~  
25 **Health and Human Services**, the coroner, the sheriff, and any other law  
26 enforcement agency having responsibility in the district for the investigation of child  
27 abuse.

28 \* \* \*

29 Art. 523. Governance of child advocacy centers; board of directors; bylaws; staff

30 \* \* \*

31 D.

32 \* \* \*

33 (2) The board shall also cause the sheriff and the Louisiana Department of  
34 ~~Children and Family Services~~ **Health and Human Services** to request that the  
35 Louisiana Bureau of Criminal Identification and Information conduct an examination  
36 of the criminal history record and identification files of the bureau for any applicant  
37 seeking employment at a child advocacy center. The sheriff and the department shall  
38 provide a written certificate indicating whether any information was discovered or  
39 that no information was found, all in accordance with the applicable rules and  
40 regulations promulgated by the department.

41 \* \* \*

42 Art. 544. Request for information; order for release

43 A.(1) Notwithstanding any other provision of law to the contrary, any state  
44 agency providing services to children and their families, which shall include but is  
45 not limited to the Louisiana Department of Health **and Human Services**, ~~the~~  
46 ~~Department of Children and Family Services~~ **Louisiana Works**, youth services of  
47 the Department of Public Safety and Corrections, and the Department of Education,  
48 and any city, parish, or other local public school board is hereby authorized to  
49 request in writing, which shall include but shall not be limited to an email or  
50 electronic communication, from any other state agency or city, parish, or other local  
51 public school board any information, data, reports, or records in its possession which  
52 are relevant and necessary to the performance of the requesting agency's duties to  
53 children and their families. This written request shall include the specific purpose for  
54 which the information, data, reports, or records are being requested.

55 \* \* \*

56 Art. 581. Child Protection Representation Commission; establishment; purpose and  
57 functions

58 A. The Child Protection Representation Commission, referred to hereinafter  
59 as the "commission", is hereby established for the purpose of reviewing the system  
60 of representation of children and indigent parents in child protection cases as  
61 provided in Chapters 5 and 6 of this Title. The commission shall be composed of the  
62 following members:

(1) The secretary of the Louisiana Department of Children and Family Services Health and Human Services or his designee.

\* \* \*

Art. 603. Definitions

As used in this Title:

(1) "Abortion" means ~~that~~ **the** procedure as defined in R.S. 14:87.1.

(2) "Abuse" means any one of the following acts that seriously endanger the physical, mental, or emotional health, welfare, and safety of the child:

~~(a) The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.~~

~~(b) The exploitation or overwork of a child by a parent or any other person, including but not limited to commercial sexual exploitation of the child.~~

~~(c) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent, caretaker, or any other person of the child's involvement in any of the following:~~

~~(i) Any sexual act with any other person.~~

~~(ii) Pornographic displays.~~

~~(iii) Any sexual activity constituting a crime under the laws of this state.~~

~~(d) A coerced abortion conducted upon a child.~~

~~(e) Female genital mutilation as defined by R.S. 14:43.4 of this child or of a sister of the child.~~

**(a) Extreme or repeated cruelty to a child.**

**(b) Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ.**

**(c) Injury to a child's intellectual, emotional, or psychological development as evidenced by observable and substantial impairment of the child's ability to function within the child's normal range of performance and behavior.**

**(d) Any injury that is at variance with the history given.**

**(e) Any nonaccidental physical injury.**

**(f) Any of the following intentional or knowing acts, with physical injury and without justifiable cause:**

**(i) Throwing, kicking, burning, biting, or cutting a child.**

**(ii) Striking a child with a closed fist.**

**(iii) Shaking a child.**

**(iv) Striking a child on the face or head.**

**(g) Any of the following intentional or knowing acts, with or without physical injury:**

**(i) Striking a child six years of age or younger on the face or head.**

**(ii) Shaking a child three years of age or younger.**

**(iii) Interfering with a child's breathing.**

**(iv) Pinching, biting, or striking a child in the genital area.**

**(v) Tying a child to a fixed or heavy object or binding or tying a child's limbs together.**

**(h) Giving a child or permitting a child to consume or inhale a poisonous or noxious substance not prescribed by a physician that has the capacity to interfere with normal physiological functions.**

**(i) Giving a child or permitting a child to consume or inhale a substance not prescribed by a physician that has the capacity to alter the mood of the child, including, but not limited to, the following:**

**(i) Marijuana.**

**(ii) Alcohol, excluding alcohol given to a child during a recognized and established religious ceremony or service.**

**(iii) A narcotic.**

**(iv) An over-the-counter drug if a person purposely administers an overdose to a child or purposely gives an inappropriate over-the-counter drug to a child and the child is detrimentally impacted by the overdose or the over-the-counter drug.**

**(j) Exposing a child to a chemical that has the capacity to interfere with normal physiological functions, including, but not limited to, a chemical used or generated during the manufacture of methamphetamine.**



1 (ii) In inappropriate circumstances creating a dangerous situation.  
2 (h) Failure to appropriately supervise the child that results in the child's  
3 being placed in inappropriate circumstances creating a dangerous situation.

4 (i) Failure to ensure a child between six years of age and seventeen years  
5 of age is enrolled in school or is being legally homeschooled.

6 (j) An act or omission by the parent or caretaker of the child that results  
7 in the child's being habitually and without justification absent from school.

8 (k) Causing a child to be born with an illegal substance present in the  
9 child's bodily fluids or bodily substances as a result of the pregnant mother's  
10 knowingly using an illegal substance before the birth of the child. As used in this  
11 Item, "illegal substance" means a drug that is prohibited to be used or  
12 possessed without a prescription.

13 (l) At the time of the birth of a child, the presence of an illegal substance  
14 in the mother's bodily fluids or bodily substances as a result of the pregnant  
15 mother's knowingly using an illegal substance before the birth of the child. A  
16 test of the child's bodily fluids or bodily substances may be used as evidence to  
17 establish neglect pursuant to this Item. A test of the mother's bodily fluids or  
18 bodily substances may be used as evidence to establish neglect pursuant to this  
19 Item.

20 (m) Abandonment.

21 \* \* \*

22 (33) "Abandonment" means the failure of a parent to provide reasonable  
23 support and to maintain regular contact with a child through statement or  
24 contact when the failure is accompanied by an intention on the part of the  
25 parent to permit the condition to continue for an indefinite period in the future  
26 or the failure of a parent to support or maintain regular contact with a child  
27 without just cause, an articulated intent to forego parental responsibility, or  
28 refusal to resume parental responsibility and take physical custody of a child  
29 after being notified of a medical discharge from a hospital.

30 (34) "Child maltreatment" means abuse, sexual abuse, neglect, sexual  
31 exploitation, or abandonment.

32 (35) "Severe maltreatment" means sexual abuse, sexual exploitation, acts  
33 or omissions that may or do result in death, abuse involving the use of a deadly  
34 weapon, bone fracture, internal injuries, burns, immersions, suffocation,  
35 abandonment, medical diagnosis of failure to thrive, or causing a substantial  
36 and observable change in the behavior or demeanor of the child.

37 Art. 603.1. Required education; reporting child abuse

38 \* \* \*

39 B. Teaching or child care providers as defined by Article 603 shall complete  
40 an online training course provided by the Louisiana Department of ~~Children and~~  
41 ~~Family Services~~ Health and Human Services between June first and August thirty-  
42 first annually. A record of completion of the course by the teaching or child care  
43 provider shall be provided to each entity at which the teaching or child care provider  
44 is employed. No later than September thirtieth of each year and in a manner  
45 prescribed by the state Department of Education each entity at which a teaching or  
46 child care provider is employed shall submit a list to the state Department of  
47 Education of all teaching and child care providers employed by the entity and  
48 identify the employees that have complied with the training requirements and those  
49 employees that have not complied. The state Department of Education shall publish  
50 the completion rates for each entity on its website.

51 \* \* \*

52 Art. 608. Parents' right to counsel; payment

53 A. The parents of a child who is the subject of a child in need of care  
54 proceeding shall be entitled to qualified, independent counsel after the court issues  
55 any order in accordance with Article 619(C) or 620 or at the filing of a petition and  
56 at all stages of the proceedings thereafter. If the court does not issue an order in  
57 accordance with Article 619(C) or 620, the right to counsel shall attach upon the  
58 filing of a petition. At all proceedings governed by Chapter 6 of this Title, the  
59 parents shall be presumed to be indigent. Thereafter, indigence shall be determined  
60 in accordance with Article 320. The right to counsel may be waived by a parent if  
61 the court determines that the parent choosing to waive the right to representation has

1 been instructed by the court about the rights and the possible consequences of  
 2 waiver. Before accepting a waiver of counsel, the court shall ensure each of the  
 3 following:

4 (1) The parent has been informed by the court that the Louisiana Department  
 5 of Children and Family Services Health and Human Services cannot provide legal  
 6 advice to the parent or represent the parent's interest.

7 \* \* \*

8 Art. 609. Mandatory and permitted reporting; training requirements

9 A. With respect to mandatory reporters:

10 \* \* \*

11 (3)(a) To familiarize mandatory reporters, as defined by Children's Code  
 12 Article 603, with their legal mandate for reporting suspected child abuse and neglect,  
 13 such mandatory reporters shall be offered training on the statutory requirements and  
 14 responsibility of reporting child abuse and neglect. This training shall be made  
 15 available by the child welfare division of the Louisiana Department of Children and  
 16 Family Services Health and Human Services or any other mechanism as approved  
 17 by the department as long as it includes information on the reporting procedure and  
 18 the consequences of failing to report.

19 \* \* \*

20 ~~Art. 610. Reporting procedure; reports to the legislature and the United States~~  
 21 ~~Department of Defense Family Advocacy Program~~

22 ~~A. A reporter shall immediately report suspected child abuse or neglect or~~  
 23 ~~that child abuse or neglect was a contributing factor in a child's death in the~~  
 24 ~~following ways:~~

25 ~~(1) To the Department of Children and Family Services if the reporter has~~  
 26 ~~reason to believe that the perpetrator is any of the following:~~

27 ~~(a) A parent or caretaker as defined in Article 603.~~

28 ~~(b) A person who maintains an interpersonal dating or engagement~~  
 29 ~~relationship with the parent or caretaker.~~

30 ~~(c) A person living in the same residence as the parent or caretaker.~~

31 ~~(d) A person living in the same residence as the child, or any residence of the~~  
 32 ~~child, if the child has more than one residence.~~

33 ~~(e) An employee or an operator of an early learning center as defined in R.S.~~  
 34 ~~17:407.33.~~

35 ~~(f) An operator or employee of a registered family child day care home.~~

36 ~~(g) Another child residing in the same residence for cases of suspected sexual~~  
 37 ~~abuse.~~

38 ~~(h) Indeterminable by the mandatory reporter, but the reporter suspects that~~  
 39 ~~the abuse occurred at the child's residence.~~

40 ~~(2) To a local or state law enforcement agency if the reporter has reason to~~  
 41 ~~believe that the perpetrator is any of the following:~~

42 ~~(a) A person other than a person provided for in Subparagraph (1) of this~~  
 43 ~~Paragraph.~~

44 ~~(b) A teacher, instructor, administrator, staff person, school bus driver,~~  
 45 ~~teacher aide, paraprofessional, food service worker, or employee of any public or~~  
 46 ~~private elementary, secondary, vocational-technical training, special, or~~  
 47 ~~postsecondary school, city, parish, or other local public school board, if the abuse or~~  
 48 ~~neglect is perpetrated on a student.~~

49 ~~(c) Another child who does not reside in the same residence for cases of~~  
 50 ~~suspected sexual abuse.~~

51 ~~(3) Dual reporting to both the department and the local or state law~~  
 52 ~~enforcement agency is permitted. However, the agency who receives a report~~  
 53 ~~pursuant to Subparagraph (1) or (2) of this Paragraph shall be the agency responsible~~  
 54 ~~for accepting and acting on the report and shall ensure referral to other agencies as~~  
 55 ~~necessary.~~

56 ~~(4) Reports to the department shall be made as follows:~~

57 ~~(a) A mandatory reporter shall make a report of suspected abuse or neglect~~  
 58 ~~requiring immediate assistance via the designated state child protection reporting~~  
 59 ~~hotline telephone number. A report of suspected abuse or neglect which is of a~~  
 60 ~~nonemergency nature may be reported via the Louisiana Department of Children and~~

1 Family Services Mandated Reporter Portal online. Reports may also be made in  
 2 person at any child welfare office.

3 (b) If a report involves alleged sex trafficking, all mandatory reporters shall  
 4 report via the hotline telephone number to the department regardless of whether there  
 5 is alleged parental or caretaker culpability.

6 (c) A permitted reporter shall make a report through the designated state child  
 7 protection reporting hotline telephone number or in person at any child welfare  
 8 office.

9 (5) If a school resource officer suspects child abuse or neglect of a student or  
 10 if a mandatory reporter reports suspected child abuse or neglect to a school resource  
 11 officer, the school resource officer shall immediately notify the officer's employing  
 12 law enforcement agency or the Department of Children and Family Services in  
 13 accordance with the provisions of this Article. The school resource officer's  
 14 employer shall assign investigation of the matter to the most appropriate law  
 15 enforcement officer, who may be the school resource officer.

16 (6) If a mandatory reporter is prohibited from immediately making the report  
 17 required by this Chapter to the department or local or state law enforcement because  
 18 of an employer's policies or employee manual, the mandatory reporter shall file a  
 19 complaint with local or state law enforcement. Local or state law enforcement shall  
 20 investigate the complaint, and an employer violating this Chapter shall be subject to  
 21 the penalties provided for in R.S. 14:131.1 and 403. An employer shall not  
 22 discriminate or retaliate against an employee who is a mandatory reporter for  
 23 complying with this Article. If an employer is found discriminating or retaliating  
 24 against an employee for complying with this Article, the employer shall be subject  
 25 to double the fines provided for in R.S. 14:131.1 and 403.

26 (7) In an investigation of a report of abuse or neglect allegedly committed by  
 27 a parent or caretaker, the department shall determine whether the person is an active  
 28 duty member of the United States Armed Forces or the spouse of a member on active  
 29 duty. If the department determines that the person is an active duty member of the  
 30 United States Armed Forces or the spouse of a member on active duty, the  
 31 department shall notify the United States Department of Defense Family Advocacy  
 32 Program at the closest active duty military installation of the investigation.

33 **A. There shall be a Child Abuse Hotline established within the office of**  
 34 **state police. The Child Abuse Hotline shall be staffed twenty-four hours per day**  
 35 **and shall have statewide accessibility through a toll-free telephone number.**

36 **B. All persons, whether a mandatory reporter or not, may use the Child**  
 37 **Abuse Hotline to report child maltreatment or suspected child maltreatment or**  
 38 **a secure web based platform.**

39 **C. A person shall immediately notify the Child Abuse Hotline if he or**  
 40 **she:**

41 **(1) Has reasonable cause to suspect that:**

42 **(a) Child maltreatment has occurred.**

43 **(b) A child has died as a result of child maltreatment.**

44 **(2) Observes a child being subjected to conditions or circumstances that**  
 45 **would reasonably result in child maltreatment.**

46 **B. D.** The report shall contain the following information, if known:

47 (1) The name, address, age, sex, and race of the child.

48 (2) The nature, extent, and cause of the child's injuries or endangered  
 49 condition, including any previous known or suspected abuse to this child or the  
 50 child's siblings.

51 (3) The name and address of the child's parent(s) or other caretaker.

52 (4) The names and ages of all other members of the child's household.

53 (5) The name and address of the reporter.

54 (6) An account of how this child came to the reporter's attention.

55 (7) Any explanation of the cause of the child's injury or condition offered by  
 56 the child, the caretaker, or any other person.

57 (8) The number of times the reporter has filed a report on the child or the  
 58 child's siblings.

59 (9) Any other information which the reporter believes might be important or  
 60 relevant.

1            ~~E.~~ E. The report shall also name the person or persons who are thought to  
 2 have caused or contributed to the child's condition, if known, and the report shall  
 3 contain the name of such person if he is named by the child.

4            **F. The Child Abuse Hotline shall accept a report of any allegation of**  
 5 **child maltreatment or suspected child maltreatment, that if found to be true,**  
 6 **would constitute child maltreatment as defined in this Title.**

7            ~~D.~~ If the initial report was in oral form by a mandatory reporter, it shall be  
 8 followed by a written report made within five days via the online Mandated Reporter  
 9 Portal of the department or by mail to the centralized intake unit of the department  
 10 at the address provided on the website of the department; or, if necessary, to the local  
 11 law enforcement agency. The reporter may use a form for the written report, which  
 12 shall be developed, approved, and made available by the Department of Children and  
 13 Family Services. The form is optional and may be available electronically on the  
 14 department's website.

15            ~~E.~~(1) All reports made to any local or state law enforcement agency involving  
 16 abuse or neglect in which an individual provided for in Subparagraph (A)(1) of this  
 17 Article is believed responsible shall be reported to the department within twenty-four  
 18 hours in accordance with Paragraph A of this Article.

19            (2) All reports made to the department involving abuse or neglect in which  
 20 someone other than an individual provided for in Subparagraph (A)(1) of this Article  
 21 is believed to be responsible shall be reported to the appropriate law enforcement  
 22 agency within twenty-four hours by telephone. The department also shall report all  
 23 cases of child death which involve a suspicion of abuse or neglect as a contributing  
 24 factor in the child's death to the local and state law enforcement agencies, the office  
 25 of the district attorney, and the coroner.

26            (3) Reports involving a felony-grade crime against a child shall be promptly  
 27 communicated to the appropriate law enforcement authorities as part of the  
 28 interagency protocols for multidisciplinary investigations of child abuse and neglect  
 29 in each judicial district as provided in Articles 509 and 510.

30            (4) ~~The department shall communicate as soon as possible all reports~~  
 31 ~~involving alleged child victims of sex trafficking to the Louisiana State Police for~~  
 32 ~~referral to the appropriate local law enforcement agency for investigation or other~~  
 33 ~~action as appropriate.~~

34            ~~F.~~ G. Any commercial film or photographic print processor who has  
 35 knowledge of or observes, within the scope of this professional capacity or  
 36 employment, any film, photograph, video tape, negative, or slide depicting a child  
 37 who he knows or should know is under the age of seventeen years, which constitutes  
 38 child pornography or child sexual abuse materials as defined in Article 603, shall  
 39 report immediately to the local law enforcement agency having jurisdiction over the  
 40 case **hotline**. The reporter shall provide a copy of the film, photograph, videotape,  
 41 negative, or slide to the **law enforcement** agency receiving the report.

42            ~~G.~~ H.(1) If a physician has cause to believe that a newborn was exposed in  
 43 utero to an unlawfully used controlled dangerous substance, as defined by R.S.  
 44 40:961 et seq., the physician shall order a toxicology test upon the newborn, without  
 45 the consent of the newborn's parents or guardian, to determine whether there is  
 46 evidence of prenatal neglect. If the test results are positive, the physician shall issue  
 47 a report, as soon as possible, in accordance with this Article. If the test results are  
 48 negative, all identifying information shall be obliterated if the record is retained,  
 49 unless the parent approves the inclusion of identifying information. Positive test  
 50 results shall not be admissible in a criminal prosecution.

51            (2) If there are symptoms of withdrawal in the newborn or other observable  
 52 and harmful effects in his physical appearance or functioning that a physician has  
 53 cause to believe are due to the chronic or severe use of alcohol by the mother during  
 54 pregnancy or are the effects of fetal alcohol spectrum disorder, the physician shall  
 55 issue a report in accordance with this Article.

56            ~~H.~~ I.(1) All instances of alleged child abuse that occur in a school setting  
 57 shall be immediately reported to the child's parent or legal guardian and to local or  
 58 state law enforcement **the hotline**, regardless of the alleged perpetrator.

59            (2) If more than one child is involved in the allegations, the school shall  
 60 immediately report to the parent or legal guardian of all involved children.

61            (3) Law enforcement shall begin an investigation of the allegations within  
 62 forty-eight hours of receiving the report.

1 (4) If more than one child is involved in the allegations, law enforcement  
2 shall interview the parent or legal guardian of all children involved.

3 (5) Any sexual abuse cases in which the alleged perpetrator is a child shall  
4 be referred to the Department of Children and Family Services. The department shall  
5 assess the family of the child victim and the alleged child perpetrator to ensure child  
6 safety and well-being in accordance with Children's Code Article 612(A)(3).

7 (6) For purposes of this Article, the following definitions shall apply:

8 (a) "School setting" means in a school building, on school grounds, in school  
9 vehicles, or at any activities sponsored by a school.

10 (b) "Sexual abuse" means the perpetration or attempted perpetration of R.S.  
11 14:41, 42, 42.1, 43, 43.1, 43.2, 43.3, 43.4, 80, 81, 81.1, 81.2, 86, 89, or 89.1.

12 **J. If a mandatory reporter is prohibited from immediately making the**  
13 **report required by this Chapter because of an employer's policies or employee**  
14 **manual, the mandatory reporter shall file a complaint with state police. State**  
15 **police shall investigate the complaint, and an employer violating this Chapter**  
16 **shall be subject to the penalties provided for in R.S. 14:131.1 and 403. An**  
17 **employer shall not discriminate or retaliate against an employee who is a**  
18 **mandatory reporter for complying with this Article. If an employer is found**  
19 **discriminating or retaliating against an employee for complying with this**  
20 **Article, the employer shall be subject to double the fines provided for in R.S.**  
21 **14:131.1 and 403.**

22 ~~I.(1) The provisions of this Paragraph shall be known and may be cited as~~  
23 ~~The Alfred C. Williams Child Protection Act.~~

24 ~~(2) Beginning May 1, 2017, and annually thereafter, the department shall~~  
25 ~~provide to the legislature the following child-specific information regarding reports~~  
26 ~~of child abuse or neglect reported to the department pursuant to the provisions of this~~  
27 ~~Article:~~

28 ~~(a) The actual or estimated age, the sex, and the race of each child at the time~~  
29 ~~the latest report was received.~~

30 ~~(b) The parish location of primary case name of the latest report accepted for~~  
31 ~~investigation received.~~

32 ~~(c) The categories, levels, and final findings assigned to each allegation~~  
33 ~~contained in reports received for each child.~~

34 ~~(d) The number of cases accepted for investigation in which the child was an~~  
35 ~~alleged victim during the report year.~~

36 ~~(e) The number of cases accepted for investigation in which the child was a~~  
37 ~~substantiated victim during the report year.~~

38 ~~(f) The number of reports accepted for investigation prior to report year in~~  
39 ~~which the child was an alleged or substantiated victim.~~

40 ~~(g) The number of other alleged victims in reports accepted for investigation~~  
41 ~~in each child's cases prior to report year.~~

42 ~~(h) The number of reports accepted for investigation prior to the report year~~  
43 ~~in which the child was a substantiated victim.~~

44 ~~(i) The number of other substantiated victims in reports accepted for~~  
45 ~~investigation in each child's cases prior to report year.~~

46 ~~(j) The number of distinct reporter names for all investigations in which the~~  
47 ~~child is an alleged or substantiated victim.~~

48 ~~(3) For purposes of this Paragraph, the following words shall have the~~  
49 ~~following meanings:~~

50 ~~(a) "Alleged victim" includes a child who is the subject of an investigation~~  
51 ~~and for whom there is an allegation of abuse or neglect.~~

52 ~~(b) "Substantiated victim" includes an alleged victim for whom one or more~~  
53 ~~allegations of abuse or neglect have been substantiated pursuant to Article 615.~~

54 ~~(4) The information provided in the annual report required by Subparagraph~~  
55 ~~(2) of this Paragraph shall not include the name, street address, or other identifying~~  
56 ~~information of any child, parent, sibling, or reporter.~~

57 ~~(5) If the department fails to submit timely the report required by~~  
58 ~~Subparagraph (2) of this Paragraph, then the legislature or either house thereof,~~  
59 ~~through its authorized representative, may petition the Nineteenth Judicial District~~  
60 ~~Court for writs of mandamus to compel the submission of the report. Any failure to~~  
61 ~~obey a writ of mandamus issued by the court may be punishable by the court as~~  
62 ~~contempt thereof.~~

**Art. 610.1. Assignment to investigative agency**

**A.(1) If a report of child maltreatment is accepted by the Child Abuse Hotline, an investigation shall be conducted under procedures established by the Louisiana Department of Health and Human Services and the office of state police unless the report is accepted for triage pursuant to this Article.**

**(2) The procedures shall require the following:**

**(a) Assignment of a report of child maltreatment to the Louisiana Department of Health and Human Services or the office of state police as the investigating agency.**

**(b) Assignment of a report of child maltreatment to the office of state police if the report involves:**

**(i) Severe child maltreatment.**

**(ii) A child who is in the custody of the Louisiana Department of Health and Human Services.**

**(c) Assignment of a report of child maltreatment that qualifies for triage procedures that are developed and implemented under this Article and as prescribed by triage procedures in lieu of an assignment for investigation by the Louisiana Department of Health and Human Services or the office of state police.**

**B.(1) After the assignment of a report of child maltreatment, the investigating agency shall initiate an investigation as provided pursuant to this Article or follow triage procedures pursuant to this Article.**

**(2) After initiating the investigation and interviewing the alleged victim, the investigating agency shall review the report of child maltreatment to determine if the investigation should be administratively closed without complying with the requirements of this Article regarding a complete investigation.**

**(3) If an investigation is not administratively closed, the investigating agency shall comply with the requirements of this Article regarding a complete investigation.**

**C. The investigating agency shall administratively close an investigation under procedures that are established by the Louisiana Department of Health and Human Services. The procedures established by the Louisiana Department of Health and Human Services shall require the closure of an investigation if:**

**(1) There is no evidence to support the report of child maltreatment other than the report made to the Child Abuse Hotline.**

**(2) There is insufficient detail to investigate the report of child maltreatment.**

**(3) There has not been an additional report of abuse or neglect that has been committed by the alleged offender who is the subject of the current report.**

**(4) The investigator reviews the prior history of child maltreatment related to the family of the child and to the alleged offender and determines that the health and safety of the child can be assured without further investigation by the Department of Health and Human Services or the office of state police.**

**(5) The investigator determines that abuse or neglect of the child is unsubstantiated or the finding is inconclusive and there is approval to close the investigation by the:**

**(a) Deputy secretary of child welfare of the Louisiana Department of Health and Human Services or his designee for the administrative closure of an investigation that is conducted by the Louisiana Department of Health and Human Services.**

**(b) Superintendent of state police or his designee for the administrative closure of an investigation conducted by the office of state police.**

**D.(1) The Louisiana Department of Health and Human Services and the office of state police may develop and implement triage procedures for accepting, documenting, and assigning reports of child maltreatment.**

**(2) The Louisiana Department of Health and Human Services and the office of state police shall not implement this Article until rules necessary to carry out this subsection have been promulgated pursuant to the Administrative Procedure Act. Such rules may be promulgated by emergency rulemaking.**

**(3) The procedures established in accordance with this Article shall assess the safety of a child upon the receipt of an accepted child maltreatment**

1 report. The assessment shall include each underlying issue or additional child  
 2 maltreatment concern that may not have been identified in the original Child  
 3 Abuse Hotline report.

4 E. The Louisiana Department of Health and Human Services shall work  
 5 with families related to an accepted child maltreatment report to remedy the  
 6 conditions or issues that resulted in the child maltreatment report.

7 Art. 610.2. Initiation of investigations

8 A. The Louisiana Department of Health and Human Services and the  
 9 office of state police shall cause an investigation to be made upon receiving  
 10 initial notification of suspected child maltreatment or notification of a child  
 11 death.

12 B. Except as provided in Paragraph C of this Article, all investigations  
 13 shall begin within seventy-two hours.

14 C. An investigation shall begin within twenty-four hours if:

15 (1) The allegation is severe maltreatment, excluding an allegation:

16 (a) Of sexual abuse if the most recent allegation of sexual abuse was  
 17 more than one year ago or the alleged victim does not currently have contact  
 18 with the alleged offender.

19 (b) Of abandonment and the child is in a facility.

20 (c) Of cuts, welts, bruises, or suffocation if the most recent allegation was  
 21 more than one year ago and the alleged victim is in the custody of the Louisiana  
 22 Department of Health and Human Services.

23 (d) In which the alleged victim is in a facility and does not currently have  
 24 contact with the alleged offender.

25 (2) The allegation is that a child has been subjected to neglect as defined  
 26 in this Part.

27 (3) A child has died suddenly and unexpectedly.

28 D. At the initial time of contact with the alleged offender, the person  
 29 conducting the investigation shall advise the alleged offender of the allegations  
 30 made against the alleged offender in a manner that is consistent with the laws  
 31 protecting the rights of the person who made the report.

32 E. The Louisiana Department of Health and Human Services and the  
 33 office of state police shall:

34 (1) Develop policy and procedures to follow when a child dies suddenly  
 35 and unexpectedly to use in a child death investigation.

36 (2) Determine during the Louisiana Department of Health and Human  
 37 Services' and the office of state police's investigation whether the child's death  
 38 was caused by child maltreatment.

39 (3) Assess the home to ensure the safety of surviving siblings or children  
 40 in the home.

41 F. Upon initiation of the investigation, the primary focus of the  
 42 investigation shall be whether or not the alleged offender has access to children  
 43 and whether or not children are at risk such that children need to be protected.

44 Art. 610.3. Reports to the United States Department of Defense Family  
 45 Advocacy Program

46 In an investigation of a report of abuse or neglect allegedly committed  
 47 by a parent or caretaker, the department shall determine whether the person  
 48 is an active duty member of the United States Armed Forces or the spouse of a  
 49 member on active duty. If the department determines that the person is an  
 50 active duty member of the United States Armed Forces or the spouse of a  
 51 member on active duty, the department shall notify the United States  
 52 Department of Defense Family Advocacy Program at the closest active duty  
 53 military installation of the investigation.

54 Art. 610.3. Reports to the legislature

55 A. The provisions of this Article shall be known and may be cited as The  
 56 Alfred C. Williams Child Protection Act.

57 B. Beginning May 1, 2017, and annually thereafter, the department shall  
 58 provide to the legislature the following child-specific information regarding  
 59 reports of child abuse or neglect reported to the department pursuant to the  
 60 provisions of this Article:

61 (1) The actual or estimated age, the sex, and the race of each child at the  
 62 time the latest report was received.



1 maintain the files, records and information during the pendency of the litigation or  
2 prosecution.

3 \* \* \*

4 Art. 631. Authority to file petition; custody

5 A. A child in need of care proceeding shall be commenced by petition filed  
6 by the district attorney. The Louisiana Department of ~~Children and Family Services~~  
7 Health and Human Services, when authorized by the court, may file a petition if  
8 there are reasonable grounds to believe that the child is a child in need of care.

9 \* \* \*

10 Art. 645. Louisiana Department of ~~Children and Family Services~~ Health and  
11 Human Services to provide information concerning the parents'  
12 location; cooperation of the department

13 \* \* \*

14 Art. 672. Care and treatment by department

15 A.(1) Whenever custody of a child is assigned to the Louisiana Department  
16 of ~~Children and Family Services~~ Health and Human Services, the child shall be  
17 assigned to the custody of the department rather than to a particular placement  
18 setting. The department shall have authority over the placement within its resources  
19 and the allocation of other available resources within the department for children  
20 judicially committed to its custody.

21 \* \* \*

22 Art. 672.2. Local educational agencies; children placed in group homes and  
23 residential facilities

24 \* \* \*

25 C. Beginning with applications received on July 1, 1999, and thereafter, upon  
26 receipt of an application for initial licensure by the Louisiana Department of  
27 ~~Children and Family Services~~ Health and Human Services from an applicant which  
28 seeks to provide child residential care, or emergency shelter to children of school  
29 age, the Louisiana Department of ~~Children and Family Services~~ Health and  
30 Human Services shall provide written notification to the Department of Education  
31 of such application for initial licensure within thirty days of receipt of such  
32 application, including the parish where the facility seeks to operate.

33 \* \* \*

34 Art. 672.3. Diligent search for relatives; notice; failure to respond

35 A. Whenever custody of a child is assigned to the Louisiana Department of  
36 ~~Children and Family Services~~ Health and Human Services, the department shall  
37 conduct a diligent search for adult relatives of the child and for persons who have a  
38 significant relationship with the child. The diligent search shall be completed no later  
39 than thirty days from the date the child was taken into custody and include, at a  
40 minimum, all of the following:

41 \* \* \*

42 (5) Comprehensive searches of databases and other resources available to the  
43 Louisiana Department of ~~Children and Family Services~~ Health and Human  
44 Services, which may include searches of schools, employment, residence, utilities,  
45 vehicle registration, child support enforcement, law enforcement, and corrections  
46 records or any other records likely to result in identifying and locating adult relatives  
47 of the child or persons who have a significant relationship with the child.

48 \* \* \*

49 B. The Louisiana Department of ~~Children and Family Services~~ Health and  
50 Human Services shall file with the court information regarding attempts made  
51 pursuant to Paragraph A of this Article ten days before any scheduled disposition,  
52 case review, permanency hearing, or as otherwise required by the court. Any  
53 additional information obtained by the department subsequent to the initial filing  
54 shall be disclosed to the court during the hearing.

55 \* \* \*

56 D. After the completion of the diligent search required by this Article, the  
57 Louisiana Department of ~~Children and Family Services~~ Health and Human  
58 Services shall have a continuing duty to search for relatives or other persons who  
59 have demonstrated an ongoing commitment to a child and with whom it may be  
60 appropriate to place the child until the relatives or persons are located, the court  
61 excuses the department from conducting a diligent search, or permanency is  
62 achieved.

E. If a relative entitled to notice pursuant to this Article fails, after ninety days from the date the relative receives the required notice, to demonstrate an interest in and willingness to provide a permanent home for a child, the court may excuse the Louisiana Department of ~~Children and Family Services~~ Health and Human Services from considering the relative as a placement.

\* \* \*

Art. 725. Findings and purpose

The legislature finds that arresting, prosecuting, and incarcerating victimized children serves to re-traumatize them and to increase their feelings of low self-esteem, which only makes the process of recovery more difficult. Both federal and international law recognize that sexually exploited children are the victims of crime and should be treated as such. Therefore, sexually exploited children should not be prosecuted for criminal acts related to prostitution. Instead, sexually exploited children should, where possible, be diverted into services that address the needs of these children outside of the justice system. Sexually exploited children deserve the protection of child welfare services, including diversion, crisis intervention, counseling, and emergency housing services. The purpose of this Chapter is to protect a child from further victimization after the child is discovered to be a sexually exploited child by ensuring that a child protective response is in place in the state. This is to be accomplished by presuming that any child engaged in prostitution, prostitution by massage, or crime against nature by solicitation is a victim of sex trafficking and providing these children with the appropriate care and services where possible. In determining the need for and capacity of services that may be provided, the Louisiana Department of ~~Children and Family Services~~ Health and Human Services shall recognize that sexually exploited children have separate and distinct service needs according to gender, and every effort should be made to ensure these children are not prosecuted or treated as juvenile delinquents, but instead are given the appropriate social services.

Art. 725.1. Definitions

As used in this Chapter, the following terms and phrases shall have the following meaning, unless the context requires otherwise:

(1) "Department" means the Louisiana Department of ~~Children and Family Services~~ Health and Human Services.

\* \* \*

Art. 725.4. Duties of law enforcement

The officer shall notify the Louisiana Victim Outreach of the Department of Public Safety and Corrections that the child may be eligible for special services and, as a mandatory reporter as required by Article 610, shall notify the Louisiana Department of ~~Children and Family Services~~ Health and Human Services that the child is in need of protective services.

Art. 725.5. Duties of the Louisiana Department of ~~Children and Family Services~~ Health and Human Services

\* \* \*

Art. 730. Grounds

Allegations that a family is in need of services must assert whether the child is currently under the supervision of any state or local entity including, but not limited to, the Louisiana Department of ~~Children and Family Services~~ Health and Human Services or the Department of Public Safety and Corrections, youth services, the office of juvenile justice, and assert one or more of the following grounds:

\* \* \*

Art. 731. Complaint

\* \* \*

C. The complaint shall set forth with specificity:

\* \* \*

(5) Whether the child is currently under the supervision of any state or local entity, including but not limited to, the Louisiana Department of ~~Children and Family Services~~ Health and Human Services or the Department of Public Safety and Corrections, youth services, or the office of juvenile justice.

\* \* \*

Art. 745. Effect of informal family services plan agreement; confidentiality

\* \* \*

1 C. Any incriminating statement made by the child, caretaker, or other family  
2 member during discussions or conferences incident to the informal family services  
3 plan agreement shall not be used against the declarant, over objection, in an  
4 adjudication hearing or criminal trial. Any such statement may be reported as the  
5 basis for a referral to the local child protection unit of the Louisiana Department of  
6 ~~Children and Family Services~~ **Health and Human Services** in accordance with  
7 Article 610, if it causes the intake officer to believe that a child's physical or mental  
8 health or welfare is endangered by abuse or neglect. Any such statement may be used  
9 in a disposition hearing in the juvenile court or for the purpose of a presentence  
10 investigation after a criminal conviction.

11 \* \* \*

12 Art. 749. Contents of petition

13 A. The petition shall set forth with specificity:

14 \* \* \*

15 (5) A statement as to whether the child is currently under the supervision of  
16 any state or local entity, including but not limited to, the Louisiana Department of  
17 ~~Children and Family Services~~ **Health and Human Services** or the Department of  
18 Public Safety and Corrections, youth services, or the office of juvenile justice.

19 \* \* \*

20 Art. 767.1. Federal Indian Child Welfare Act inquiry

21 \* \* \*

22 C. If a tribe fails to respond to multiple requests for verification that the child  
23 is an Indian child and the court or Louisiana Department of ~~Children and Family~~  
24 ~~Services~~ **Health and Human Services** has sought the assistance of the Bureau of  
25 Indian Affairs in contacting the tribe, the court may make the determination that the  
26 child is not an Indian child based on the information it has available and proceed to  
27 adjudication in accordance with this Title.

28 \* \* \*

29 Art. 791.3. State, state agencies; participation

30 \* \* \*

31 B. The state is obligated to provide certain social and health care services to  
32 needy families through ~~the Department of Children and Family Services~~ and the  
33 Louisiana Department of Health **and Human Services**. These services for  
34 assessment and psychiatric evaluation and treatment, if deemed needed, must be  
35 continued. The state substance abuse clinics, through its employees and contracted  
36 programs, shall accept referrals for substance abuse evaluation and treatment if  
37 warranted. The legislature recognizes that each parish included in this Chapter has  
38 committed through binding interagency agreements to provide certain enumerated  
39 services, including providing physical space. This commitment by the parishes is  
40 predicated on financial assistance from the state in order to fully comply with the  
41 creation of truancy assessment service centers. Additionally, in order to support each  
42 truancy assessment service center with sufficient services pursuant to this Chapter,  
43 the state will continue to provide social and health related services where available.

44 \* \* \*

45 Art. 811.1. Rights of the victim of alleged delinquent act

46 \* \* \*

47 F.(1) In order to protect the identity and provide for the safety and welfare  
48 of juvenile crime victims under the age of eighteen years, all public officials and  
49 officers and public agencies, including but not limited to all law enforcement  
50 agencies, sheriffs, district attorneys, judicial officers, clerks of court, and the  
51 Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
52 **Services** or any division thereof, shall not publicly disclose the name, address, or  
53 identity of a juvenile victim of crime who at the time of the commission of the  
54 offense is under eighteen years of age. The public disclosure of the name of the  
55 juvenile crime victim by any public official or officer or public agency is not  
56 prohibited by this Subparagraph when the crime resulted in the death of the victim.

57 (2) Notwithstanding any other provision of law to the contrary, all public  
58 officials, officers, and public agencies, including but not limited to all law  
59 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,  
60 and the Louisiana Department of ~~Children and Family Services~~ **Health and Human**  
61 **Services** or any division thereof, charged with the responsibility of knowing the  
62 name, address, and identity of juvenile crime victims as a necessary part of their

1 duties shall have full and complete access to this information regarding a juvenile  
2 crime victim, and they may lawfully utilize initials, abbreviations, or other forms of  
3 indefinite descriptions on all public documents used in the performance of their  
4 duties to whatever extent they deem necessary, to prevent the public disclosure of the  
5 name, address, or identity of a juvenile victim of crime under the age of eighteen  
6 years.

7 G.(1) In order to protect the identity and provide for the safety and welfare  
8 of juvenile crime victims under the age of seventeen years, all public officials and  
9 officers and public agencies, including but not limited to all law enforcement  
10 agencies, sheriffs, district attorneys, judicial officers, clerks of court, and the  
11 Louisiana Department of ~~Children and Family Services~~ Health and Human  
12 Services or any division thereof, shall not publicly disclose the name, address, or  
13 identity of a juvenile victim of crime who at the time of the commission of the  
14 offense is under seventeen years of age. The public disclosure of the name of the  
15 juvenile crime victim by any public official or officer or public agency is not  
16 prohibited by this Subparagraph when the crime resulted in the death of the victim.

17 (2) Notwithstanding any other provision of law to the contrary, all public  
18 officials, officers, and public agencies, including but not limited to all law  
19 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,  
20 and the Louisiana Department of ~~Children and Family Services~~ Health and Human  
21 Services or any division thereof, charged with the responsibility of knowing the  
22 name, address and identity of juvenile crime victims as a necessary part of their  
23 duties shall have full and complete access to this information regarding a juvenile  
24 crime victim and they may lawfully utilize initials, abbreviations, or other forms of  
25 indefinite descriptions on all public documents used in the performance of their  
26 duties to whatever extent they deem necessary, to prevent the public disclosure of the  
27 name, address, or identity of a juvenile victim of crime under the age of seventeen  
28 years.

29 \* \* \*

30 Art. 822. Place of continued custody prior to adjudication

31 \* \* \*

32 B. The court shall not place a child alleged to be delinquent in the custody of  
33 either the ~~department of Children and Family Services~~ Louisiana Department of  
34 Health and Human Services or the ~~department~~ Department of Public Safety and  
35 Corrections prior to adjudication.

36 \* \* \*

37 Art. 1003. Definitions

38 As used in this Title:

39 \* \* \*

40 (2) "Agency" shall include the Louisiana Department of ~~Children and Family~~  
41 Services Health, the corresponding department of any other state, and those private  
42 agencies and institutions licensed for the placement of children for adoption by the  
43 Louisiana Department of ~~Children and Family Services~~ Health and Human  
44 Services or by the corresponding department of any other state.

45 \* \* \*

46 (6) "Department" means the Louisiana Department of ~~Children and Family~~  
47 Services Health and Human Services.

48 \* \* \*

49 Art. 1036.2. Incarcerated parent; duties; assessment

50 \* \* \*

51 E. The notification form given to the incarcerated parent shall be substantially  
52 as follows:

53 NOTICE OF DUTY TO PROVIDE A REASONABLE PLAN FOR THE  
54 APPROPRIATE CARE OF YOUR CHILD AND TERMINATION OF  
55 PARENTAL RIGHTS LAW

56 N O T I C E T O P A R E N T : Y O U R  
57 CHILD(REN), \_\_\_\_\_ HAS/HAVE BEEN PLACED IN  
58 THE CUSTODY OF THE LOUISIANA DEPARTMENT OF ~~CHILDREN AND~~  
59 FAMILY SERVICES HEALTH AND HUMAN SERVICES BY ORDER OF THE

60 \_\_\_\_\_ Parish juvenile court \_\_\_\_\_ on  
61 \_\_\_\_\_.

62 PLEASE BE ADVISED OF THE FOLLOWING:

1 Louisiana law provides that you may name a person who is willing and able  
2 to serve as the custodian of your child(ren) and to offer a wholesome and stable  
3 environment for your child(ren). Failure to furnish a reasonable plan for the  
4 appropriate care of your child(ren) may result in the termination of your parental  
5 rights.

6 Please refer to Louisiana Children's Code, Title X, Articles 1001 to 1043,  
7 especially Articles 1015(6) and 1036(E), for the details of Louisiana law regarding  
8 the termination of parental rights. A copy of the law is attached to this notice.

9 You are hereby notified that Louisiana law requires that you provide a  
10 reasonable plan for the appropriate care of your child(ren), other than continued  
11 foster care, within sixty (60) days of your receipt of this notice, which date is  
12 \_\_\_\_\_ . Your plan shall include the names, addresses,  
13 cellular numbers, telephone numbers, and other contact information of every suitable  
14 alternative caregiver. You may provide additional information by filling out this  
15 form and mailing it in the stamped, self-addressed envelope given to you by the  
16 department before \_\_\_\_\_. If you fail or refuse to do so, you may  
17 lose all rights to your child(ren). Your plan will be examined to determine if it is  
18 reasonable and appropriate. Please provide your plan in detail no later than  
19 \_\_\_\_\_ to the following person:

20 NAME: \_\_\_\_\_  
21 ADDRESS: \_\_\_\_\_  
22 CITY/STATE/ZIP: \_\_\_\_\_  
23 TELEPHONE: \_\_\_\_\_

24 NOTE: IF YOU HAVE ANY QUESTIONS OR NEED ANY ASSISTANCE,  
25 CONTACT THE ABOVE PERSON OR YOUR ATTORNEY IMMEDIATELY.

26 Copy of the law, La. Ch.C. Arts. 1001 - 1043, Attached. PLEASE READ.

27 I, \_\_\_\_\_, hereby certify that a copy of this  
28 notice with La. Ch.C. Arts. 1001-1043 attached, was delivered to  
29 \_\_\_\_\_ on \_\_\_\_\_ by  
30 personal delivery at the following location \_\_\_\_\_.  
31 DATE: \_\_\_\_\_

32 \_\_\_\_\_  
33 Signature of caseworker

34 I, \_\_\_\_\_, have received a copy of this notice,  
35 together with the attached laws (La. Ch.C. Arts. 1001-1043), and acknowledge that  
36 I understand fully that my rights may be terminated and my child(ren) adopted by  
37 others if I do not provide a reasonable plan of appropriate care while I am  
38 incarcerated, other than continued foster care, within sixty (60) days of my receipt  
39 of this notice on \_\_\_\_\_.

40 \_\_\_\_\_  
41 Signature of parent

42 Witness: \_\_\_\_\_ Date: \_\_\_\_\_

43 \* \* \*

44 Art. 1103. Definitions

45 As used in this Title:

46 (1) "Agency" includes the **Louisiana** Department of ~~Children and Family~~  
47 ~~Services~~ **Health and Human Services**, the corresponding department of any other  
48 state, and those private agencies and institutions licensed for the placement of  
49 children for adoption by the **Louisiana** Department of ~~Children and Family Services~~  
50 **Health and Human Services** or by the corresponding department of any other state.

51 \* \* \*

52 (4) "Department" means the Louisiana Department of ~~Children and Family~~  
53 ~~Services~~ **Health and Human Services**.

54 \* \* \*

55 Art. 1109. Domiciliary requirements

56 A surrendering parent must be domiciled in this state for at least eight  
57 months, unless a prospective adoptive parent has been domiciled in this state for at  
58 least eight months, or the child is in the custody of the **Louisiana** Department of  
59 ~~Children and Family Services~~ **Health and Human Services**.

60 \* \* \*

61 Art. 1117. Domiciliary requirements; acceptance of surrender

1 A. If a surrendering parent is not domiciled in this state, then the agency shall  
2 be domiciled in this state or be accepting the surrender of a child who is in the  
3 custody of the Louisiana Department of Children and Family Services Health and  
4 Human Services.

5 B. In order for a surrender to an agency to be effective, the agency accepting  
6 the surrender shall either be the Louisiana Department of Children and Family  
7 Services Health and Human Services or have been issued a child-placing or  
8 adoption license by the department.

9 \* \* \*

10 Art. 1122. Contents of surrender; form

11 \* \* \*

12 B. The Act of Surrender shall also recite the following declarations:

13 \* \* \*

14 (9) That either a surrendering parent, the agency accepting the surrender, or  
15 the adoptive parents are domiciled in this state, or that the child is in the custody of  
16 the Louisiana Department of Children and Family Services Health and Human  
17 Services.

18 \* \* \*

19 (11) In an adoption arranged by the Louisiana Department of Children and  
20 Family Services Health and Human Services, that the execution of the surrender  
21 is made without conditions of any kind. Failure to comply with any formal or  
22 informal agreement for post-adoption continuing contact shall not nullify the  
23 surrender nor constitute cause for its revocation.

24 \* \* \*

25 F. The Act of Surrender for a surrendering mother shall contain the  
26 requirements in substantially the following form:

27 "VOLUNTARY ACT OF SURRENDER FOR ADOPTION  
28 (FOR A SURRENDERING MOTHER OF A CHILD)

29 STATE OF LOUISIANA  
30 PARISH OF (NAME OF PARISH)

31 BEFORE ME, the undersigned notary public, and in the presence of the two  
32 undersigned competent witnesses who are over the age of eighteen, personally came  
33 and appeared:

34 (NAME OF SURRENDERING MOTHER)

35 a female of the age of (AGE), who is (MARITAL STATUS), and domiciled in the  
36 Parish of (NAME OF PARISH), who being first duly sworn, did depose and state:

37 (1) She is the mother of (CHILD'S NAME), born on (DATE OF BIRTH) in  
38 the (PARISH/COUNTY OF BIRTH), State of (STATE OF BIRTH).

39 (2) She was married at the birth or conception of the child, or has married  
40 subsequent to the child's birth and her husband has acknowledged his paternity of the  
41 child. The husband's name is (HUSBAND'S NAME) and his last known address was  
42 (ADDRESS OR UNKNOWN).

43 OR

44 She was not married at the birth or conception of the child, nor has she, subsequent  
45 to the child's birth, married any man who has acknowledged his paternity of the  
46 child. To the best of her knowledge, the alleged father has/has not executed an act  
47 of acknowledgment/a registration with the putative father registry that admitted his  
48 paternity of this child. He has/has not informally acknowledged his paternity of this  
49 child. His paternity of this child has/has not been established by court judgment.

50 (3) The other natural/alleged father of the child is (FATHER'S NAME), and  
51 his last known address was (ADDRESS OR UNKNOWN).

52 (4) The agency to whom this child is hereby surrendered is (NAME OF  
53 PERSON, AGENCY OR REPRESENTATIVE), whose address is (ADDRESS), who  
54 hereby accepts this surrender is domiciled in this state. The (NAME OF AGENCY)  
55 declares that he has no knowledge of any question concerning the parent's capacity  
56 to execute a surrender that has not been resolved by the court pursuant to Article  
57 1130.1.

58 OR

59 If the surrender is for private adoption, the Person or Representative to whom  
60 this child is hereby surrendered is (NAME OF PERSON OR REPRESENTATIVE),  
61 whose address is (ADDRESS), hereby accepts this surrender from a surrendering  
62 parent who is domiciled in this state or on behalf of adoptive parents domiciled in

1 this state. (NAME OF PERSON OR REPRESENTATIVE) declares that he has no  
2 knowledge of any question concerning the parent's capacity to execute a surrender  
3 that has not been resolved by the court pursuant to Article 1130.1.

4 (5) The court in which this surrender is to be filed is (NAME OF JUVENILE  
5 COURT) located in (CITY AND PARISH OF COURT) and that said court has  
6 jurisdiction over the status of the child by virtue of either a surrendering parent, a  
7 prospective adoptive parent, or a legal guardian being domiciled in this state, or that  
8 the child is in the custody of the Louisiana Department of ~~Children and Family~~  
9 ~~Services~~ **Health and Human Services**.

10 (6) Affiant declares that this Act of Surrender is not being executed earlier  
11 than the third day following the birth of the child for agency adoptions or the fifth  
12 day following the birth of the child in a surrender for private adoption.

13 (7) Affiant declares that she has no mental incapacity and is under no  
14 interdiction.

15 (8) Affiant declares that she has been informed and understands that her  
16 rights as a parent of the child are permanently and irrevocably terminated by  
17 execution of this Act of Surrender; however, she understands that it may be declared  
18 null due to fraud or duress and may be dissolved if the adoption cannot be  
19 accomplished.

20 (9)(a) Affiant declares that she freely and voluntarily surrenders custody of  
21 the child for the purpose of placement and adoption.

22 (b) Affiant declares that she has been informed and understands that it is  
23 unlawful to willfully and knowingly make a written or oral false statement about the  
24 biological paternity of a child and has been advised that the penalties for such falsity  
25 are either a fine of ten thousand dollars or imprisonment for not more than five years,  
26 or both.

27 (10) Affiant declares that she consents to an adoption, which consent is final  
28 and irrevocable upon execution of this surrender.

29 (11) Affiant declares that she waives notice of the filing and service of any  
30 pleading of any sort in any subsequent adoption proceeding regarding the child  
31 surrendered.

32 (12) Affiant declares that she has been informed of the provisions of the  
33 voluntary registration law, whereby contact may be established with the surrendered  
34 child upon the child's reaching the age of eighteen years if both the surrendering  
35 parent and the adopted person register and fulfill all registration requirements.

36 (13) Affiant declares that she has attended a minimum of two pre-surrender  
37 counseling sessions relative to this surrender of her child for adoption.

38 (14) Affiant declares that she has been informed and fully advised of the  
39 provisions of R.S. 14:125.2 and the penalties provided therein by an attorney, other  
40 than the attorney, associate, partner, shareholder, or employee of the attorney's law  
41 firm or corporation for the prospective adoptive parent.

42 (ADDITIONAL DECLARATION IF THE SURRENDER IS FOR AN  
43 AGENCY ADOPTION ARRANGED BY THE LOUISIANA DEPARTMENT OF  
44 ~~CHILDREN AND FAMILY SERVICES~~ **HEALTH ANS HUMAN SERVICES**)

45 (15) Affiant declares that the execution of this surrender is made without  
46 conditions of any kind. Failure to comply with any formal or informal agreement for  
47 post-adoption continuing contact will not nullify the surrender nor constitute cause  
48 for revocation.

49 (ADDITIONAL DECLARATIONS IF THE SURRENDER IS FOR A  
50 PRIVATE ADOPTION)

51 (16) Affiant declares that she is eighteen years of age or older.

52 OR

53 Affiant declares that she is under the age of eighteen and that (NAME OF  
54 PARENTS OR TUTOR) join in this surrender.

55 OR

56 Affiant declares that she is under the age of eighteen and that (NAME OF  
57 JUVENILE COURT) located in (CITY AND PARISH OF COURT) has given its  
58 written consent for her surrender.

59 (17) Affiant declares that she has consulted with and been fully advised by  
60 an attorney other than the attorney for the prospective adoptive parents about the  
61 meaning of these declarations and the consequences of this Act of Surrender.

1 (18) Affiant declares that she does or does not wish to be notified of the  
2 hearing of any opposition to the adoption filed pursuant to Article 1137.

3 (19) Affiant declares that she does or does not wish the future release of  
4 identifying information in the event of a medical necessity for which information is  
5 needed in order to treat the child.

6 (20) Affiant declares that she has been informed and understands that the  
7 Statement of Family History will be given to the adoptive parents at the time of  
8 placement and made available, upon request, to the adopted person at the age of  
9 eighteen years or older.

10 Sworn to, signed, and notarized, after being carefully read and explained to  
11 (NAME OF SURRENDERING PARENT) in the presence of the undersigned notary  
12 and witnesses on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

13 WITNESSES:

14 \_\_\_\_\_

15 \_\_\_\_\_

16 (If agency adoption:)

17 \_\_\_\_\_  
18 SURRENDERING MOTHER

19 \_\_\_\_\_  
20 AGENCY REPRESENTATIVE

21 (If private adoption:)

22 \_\_\_\_\_  
23 SURRENDERING MOTHER

24 \_\_\_\_\_  
25 ATTORNEY FOR SURRENDERING MOTHER

26 \_\_\_\_\_  
27 ADOPTING PARENTS

28 OR

29 \_\_\_\_\_  
30 ATTORNEY FOR ADOPTING PARENTS

31 (if anonymity to be protected)

32 (Additional signature(s) in private adoption if the surrendering mother is a minor

33 \_\_\_\_\_  
34 PARENT(S)/TUTOR OF MINOR

35 SURRENDERING MOTHER)

36 \_\_\_\_\_  
37 NOTARY PUBLIC AND SEAL ATTACHMENTS:

38 ( ) AFFIDAVIT OF MENTAL HEALTH COUNSELOR

39 ( ) STATEMENT OF FAMILY HISTORY

40 [(Required additional attachment if the surrender is for private adoption:

41 ( ) AFFIDAVIT OF ATTORNEY FOR SURRENDERING PARENT)

42 Required additional attachment if the surrender is by a minor mother whose parent(s)  
43 or tutor refuse to join in the Act of Surrender for a private adoption:

44 ( ) WRITTEN CONSENT OF COURT]"

45 G. The Act of Surrender for a surrendering father shall contain the  
46 requirements in substantially the following form:

47 "VOLUNTARY ACT OF SURRENDER FOR ADOPTION

48 (FOR A SURRENDERING FATHER OF A CHILD)

49 STATE OF LOUISIANA

50 PARISH OF (NAME OF PARISH)

51 BEFORE ME, the undersigned notary public, and in the presence of the two  
52 undersigned competent witnesses who are over the age of eighteen, personally came  
53 and appeared:

54 (NAME OF SURRENDERING FATHER)

55 a male of the age of (AGE), who is (MARITAL STATUS), and domiciled in the  
56 Parish of (NAME OF PARISH), who being first duly sworn, did depose and state:

57 (1) He is the natural/alleged father of (CHILD'S NAME), born on (DATE OF  
58 BIRTH) in the (PARISH/COUNTY OF BIRTH), State of (STATE OF BIRTH).

59 OR

60 He is the natural/alleged father of the child to be born on or about  
61 (PROJECTED DATE OF BIRTH) to (MOTHER'S NAME).

1 (2) He was not married to the child's mother at the time of the child's birth or  
2 conception nor has he subsequently married this child's mother and acknowledged  
3 his paternity of the child.

4 OR

5 He was married to the child's mother at the time of the child's birth or conception.

6 OR

7 He has married this child's mother subsequent to the child's birth and has  
8 acknowledged his paternity of the child.

9 OR

10 He was not married to and has not married the mother of this child/expected child.  
11 He has/has not executed an act of formal acknowledgment/a registration with the  
12 putative father registry that admitted his paternity of this child/expected child. He  
13 has/has not informally acknowledged his paternity of this child/expected child. His  
14 paternity of this child/expected child has/has not been established by court judgment.

15 (3) The natural mother of the child/expected child is (MOTHER'S NAME),  
16 and her last known address was (ADDRESS OR UNKNOWN).

17 (4) The agency to whom this child is hereby surrendered is (NAME OF  
18 PERSON, AGENCY OR REPRESENTATIVE), whose address is (ADDRESS), who  
19 hereby accepts this surrender is domiciled in this state. The (NAME OF AGENCY)  
20 declares that he has no knowledge of any question concerning the parent's capacity  
21 to execute a surrender that has not been resolved by the court pursuant to Article  
22 1130.1.

23 OR

24 If the surrender is for private adoption, the Person or Representative to whom  
25 this child is hereby surrendered is (NAME OF PERSON OR REPRESENTATIVE),  
26 whose address is (ADDRESS), hereby accepts this surrender from a surrendering  
27 parent who is domiciled in this state or on behalf of adoptive parents domiciled in  
28 this state. (NAME OF PERSON OR REPRESENTATIVE) declares that he has no  
29 knowledge of any question concerning the parent's capacity to execute a surrender  
30 that has not been resolved by the court pursuant to Article 1130.1.

31 (5) The court in which this surrender is to be filed is (NAME OF JUVENILE  
32 COURT) located in (CITY AND PARISH) and that said court has jurisdiction over  
33 the status of the child by virtue of either a surrendering parent, a prospective  
34 adoptive parent, or a legal guardian being domiciled in this state, or that the child is  
35 in the custody of the Louisiana Department of Children and Family Services  
36 Health.

37 (6) Affiant declares that this Act of Surrender is/is not being executed earlier  
38 than the third day following the birth of the child for agency adoptions, or the fifth  
39 day following the birth of the child in a surrender for private adoption.

40 (7) Affiant declares that he has no mental incapacity and is under no  
41 interdiction.

42 (8) Affiant declares that he has been informed and understands that his rights  
43 as a natural parent/alleged parent of the child/expected child less than five days old  
44 are permanently and irrevocably terminated on the fifth day following the birth of  
45 the child; however, he understands that this Act of Surrender may be declared null  
46 due to fraud or duress and may be dissolved if the adoption cannot be accomplished.

47 OR

48 Affiant declares that he has been informed and understands that his rights as  
49 a natural parent/alleged parent of the child are permanently and irrevocably  
50 terminated by execution of this Act of Surrender; however, he understands that it  
51 may be declared null due to fraud or duress and may be dissolved if the adoption  
52 cannot be accomplished.

53 (9)(a) Affiant declares that he freely and voluntarily surrenders custody of  
54 this child for the purpose of placement and adoption.

55 (b) Affiant declares that he has been informed and understands that it is  
56 unlawful to willfully and knowingly make a written or oral false statement about the  
57 biological paternity of a child and has been advised that the penalties for such falsity  
58 are either a fine of ten thousand dollars or imprisonment for not more than five years,  
59 or both.

60 (10) Affiant declares that he consents to an adoption, which consent is final  
61 and irrevocable on the third day following the birth of this child/expected child for

1 agency adoptions, and on the fifth day following the birth of this child/expected child  
2 less than five days old if this is a private adoption.

3 OR

4 Affiant declares that he consents to an adoption, which consent is final and  
5 irrevocable upon the execution of this surrender.

6 (11) Affiant declares that he waives notice of the filing and service of any  
7 pleading of any sort in any subsequent adoption proceeding regarding the child  
8 surrendered.

9 (12) Affiant declares that he has been informed of the provisions of the  
10 voluntary registration law, whereby contact may be established with the surrendered  
11 child upon the child's reaching the age of eighteen years if both the surrendering  
12 parent and the adopted person register and fulfill all registration requirements.

13 (13) Affiant declares that he has attended a minimum of two pre-surrender  
14 counseling sessions relative to the surrender of this child for adoption.

15 OR

16 Affiant declares that he waives pre-surrender counseling relative to the  
17 surrender of this child for adoption.

18 (14) Affiant declares that he has been informed and fully advised of the  
19 provisions of R.S. 14:125.2 and the penalties provided therein by an attorney, other  
20 than the attorney, associate, partner, shareholder, or employee of the attorney's law  
21 firm or corporation for the prospective adoptive parent.

22 (ADDITIONAL DECLARATION IF THE SURRENDER IS FOR AN  
23 AGENCY ADOPTION ARRANGED BY THE LOUISIANA DEPARTMENT OF  
24 CHILDREN AND FAMILY SERVICES HEALTH AND HUMAN SERVICES)

25 (15) Affiant declares that the execution of this surrender is made without  
26 conditions of any kind. Failure to comply with any formal or informal agreement for  
27 post-adoption continuing contact will not nullify the surrender nor constitute cause  
28 for revocation.

29 (ADDITIONAL DECLARATIONS IF THE SURRENDER IS FOR A  
30 PRIVATE ADOPTION)

31 (16) Affiant declares that he is eighteen years of age or older.

32 OR

33 Affiant declares that he is under the age of eighteen and that (NAME OF  
34 PARENTS OR TUTOR) join in this surrender.

35 OR

36 Affiant declares that he is under the age of eighteen and that (NAME OF  
37 JUVENILE COURT) located in (CITY AND PARISH OF COURT) has given its  
38 written consent for his surrender.

39 (17) Affiant declares that he has consulted with and been fully advised by an  
40 attorney other than the attorney for the prospective adoptive parents about the  
41 meaning of these declarations and the consequences of this Act of Surrender.

42 (18) Affiant declares that he does or does not wish the future release of  
43 identifying information in the event of a medical necessity for which information is  
44 needed in order to treat the child.

45 (19) Affiant declares that he has been informed and understands that the  
46 Statement of Family History will be given to the adoptive parents at the time of  
47 placement and made available, upon request, to the adopted person at the age of  
48 eighteen years or older.

49 Sworn to, signed, and notarized, after being carefully read and explained to  
50 (NAME OF SURRENDERING PARENT) in the presence of the undersigned notary  
51 and witnesses on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

52 WITNESSES:

53 \_\_\_\_\_  
54 \_\_\_\_\_

55 (If agency adoption:)

56 \_\_\_\_\_  
57 SURRENDERING FATHER

58 \_\_\_\_\_  
59 AGENCY REPRESENTATIVE

60 (If private adoption:)

61 \_\_\_\_\_  
62 SURRENDERING FATHER

\_\_\_\_\_  
ATTORNEY FOR SURRENDERING FATHER

\_\_\_\_\_  
ADOPTING PARENTS

or

\_\_\_\_\_  
ATTORNEY FOR ADOPTING PARENTS

(if anonymity to be protected)

[Additional signature(s) in private adoption if the surrendering father is a minor

\_\_\_\_\_  
PARENT(S)/TUTOR OF MINOR  
SURRENDERING FATHER]

\_\_\_\_\_  
NOTARY PUBLIC AND SEAL ATTACHMENTS:

( ) AFFIDAVIT OF MENTAL HEALTH COUNSELOR or AFFIDAVIT OF  
WAIVER OF COUNSELING

( ) STATEMENT OF FAMILY HISTORY

[Required additional attachment if the surrender is for private adoption:

( ) AFFIDAVIT OF ATTORNEY FOR SURRENDERING PARENT]

[Required additional attachment if the surrender is by a minor father whose parent(s)  
or tutor refuse to join in the Act of Surrender for a private adoption:

( ) WRITTEN CONSENT OF COURT]"

\* \* \*

Art. 1127.1. Maintenance of medical report; transfer of adoption records

\* \* \*

D. After the final decree of adoption, if the firm or lawyer is unable to  
assume ongoing responsibility for the continuing duty pursuant to this Article, it  
shall transfer its adoption records to the Louisiana Department of ~~Children and  
Family Services~~ **Health and Human Services** or another transferee approved by the  
department. Thereafter, that transferee shall assume the continuing duty imposed by  
this Article. Should any client subsequently attempt to update information, the firm  
or lawyer shall refer the client to the current custodian of the record, and if  
appropriate, to the voluntary registry.

\* \* \*

Art. 1150. Definitions

As used in this Chapter:

(1) "Department" means the Louisiana Department of ~~Children and Family  
Services~~ **Health and Human Services**.

\* \* \*

Art. 1152. Designated emergency care facility, emergency medical service provider,  
firefighter, and law enforcement officer responsibilities; newborn  
safety devices authorized

\* \* \*

C. Instruction by a designated emergency care facility on safe haven  
relinquishment procedures may:

\* \* \*

(3) Utilize the downloadable instructional video and training materials  
provided by the Louisiana Department of ~~Children and Family Services~~ **Health and  
Human Services** on the department's website and the manufacturer of the newborn  
safety device.

\* \* \*

Art. 1169. Definitions

As used in this Title:

(1) "Agency" or "child placing agency" includes the Louisiana Department  
of ~~Children and Family Services~~ **Health and Human Services**, the corresponding  
department of any other state, and those private agencies and institutions licensed for  
the placement of children for adoption by the Louisiana Department of ~~Children and  
Family Services~~ **Health and Human Services** or by the corresponding department  
of any other state.

\* \* \*

(4) "Department" means the Louisiana Department of ~~Children and Family  
Services~~ **Health and Human Services**.

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\* \* \*  
Art. 1180. Venue and jurisdiction in adoption

\* \* \*  
C. Upon filing of the act of voluntary surrender approved by the court according to Article 1131(C), the court of competent venue and jurisdiction wherein the surrender is filed shall have exclusive, original jurisdiction over all issues of custody and adoption of the child during the pendency of the proceedings, unless the child is in the custody of the Louisiana Department of ~~Children and Family Services~~ Health.

\* \* \*  
Art. 1182. Records of adoption decrees

A. Whenever an interlocutory decree of adoption has been granted, the clerk of court shall forward a certified copy of the decree to the Louisiana Department of ~~Social Services~~ Health and Human Services.

B. Whenever a final decree of adoption has been granted with regard to a child born in Louisiana, the clerk of court shall forward, on a form supplied by the Louisiana Department of ~~Children and Family Services~~ Health and Human Services, a certificate of the decree to the state registrar of vital records.

\* \* \*  
Art. 1186. Confidential adoption records; disclosure

\* \* \*  
B. If the agency, firm, or lawyer ceases to do business in this state, it shall transfer its adoption records to the Louisiana Department of ~~Children and Family Services~~ Health and Human Services or another transferee approved by the department. Thereafter, the transferee shall ensure the preservation and confidentiality of records required by Paragraph A of this Article and assumes responsibility for providing nonidentifying information as required by Articles 1127 and 1127.1.

\* \* \*  
Art. 1200. Fee disclosure; permissible reimbursement of expenses; court review; report

\* \* \*  
B. Only the following services provided by the Louisiana Department of ~~Children and Family Services~~ Health and Human Services, or payments made through a licensed adoption agency or an adoption attorney, are permissible and not a violation of R.S. 14:286:

\* \* \*  
H. A copy of the adoption disclosure affidavit and all orders of the court pursuant to this Article shall be mailed to the Louisiana Department of ~~Children and Family Services~~ Health and Human Services.

Art. 1201. Adoption disclosure affidavit of fees and charges; form

\* \* \*  
C. The form for the affidavit shall be as follows:  
"ADOPTION DISCLOSURE AFFIDAVIT  
BEFORE ME, the undersigned authority, personally came and appeared \_\_\_\_\_ (petitioner) and \_\_\_\_\_ (attorney for petitioner), who being first duly sworn, did depose and state:

In the matter of the adoption by \_\_\_\_\_ (petitioner's name):  
1. We report the following fees and charges or other things of value given in connection with this adoption:

Itemization of Expenses Recipient Purpose Estimate Actual Date Paid

A. Agency administrative expenses:

- 1. Attorney fees
- 2. Court costs
- 3. Travel costs
- 4. Overhead
- 5. Other (Specify)

B. Agency counseling expenses:

- 1. Counseling for adopting parents
- 2. Home study evaluations
- 3. Counseling for biological parents
- 4. Counseling for the child

- 1 5. Statement of Family History information
- 2 6. Other (Specify)
- 3 C. Medical expenses for biological mother:
- 4 1. Medical
- 5 2. Travel
- 6 3. Other (Specify)
- 7 D. Medical/foster care expenses for child:
- 8 1. Medical
- 9 2. Travel
- 10 3. Other (Specify)
- 11 E. Living expenses of the biological mother:
- 12 1. Housing
- 13 2. Utilities
- 14 (a) Electricity
- 15 (b) Gas
- 16 (c) Water
- 17 (d) Telephone
- 18 3. Food
- 19 4. Transportation
- 20 5. Maternity clothing
- 21 F. Living expenses paid to the biological mother during the term of the pregnancy
- 22 by another agency or attorney:
- 23 G. Other expenses (Specify):
- 24 Total Estimated Total Paid

25 2. We certify that no other fees, charges, or things of value other than court  
 26 costs have been given or shall be given by anyone in connection with this adoption.

27 3. We declare that this disclosure statement has been examined by each of us  
 28 and that its contents are true to the best of our information, knowledge, and belief.

29 4. We understand that each of us has a continuing obligation to supplement  
 30 and amend this affidavit as necessary.

31 5. We understand that this information will be transmitted to the **Louisiana**  
 32 Department of ~~Children and Family Services~~ **Health and Human Services**. We  
 33 further understand that it may be released by written authorization of the court for  
 34 purposes of a grand jury investigation pursuant to R.S. 14:286 or for an ethical  
 35 investigation by the Committee on Professional Responsibility of the Louisiana State  
 36 Bar Association. We further certify that we understand that in accordance with R.S.  
 37 14:286, making a false statement in any adoption disclosure affidavit with the intent  
 38 to deceive and with knowledge that the statement is false is punishable by a fine not  
 39 to exceed fifty thousand dollars or imprisonment with or without hard labor for not  
 40 more than ten years, or both.

41 \_\_\_\_\_  
 42 Signature of Petitioner Signature of Attorney

43 \_\_\_\_\_  
 44 Address Address

45 SWORN TO AND SUBSCRIBED BEFORE ME ON THIS \_\_\_\_ DAY OF  
 46 \_\_\_\_\_, \_\_\_\_.

47 \_\_\_\_\_  
 48 (NOTARY PUBLIC)"

49 \* \* \*  
 50 Art. 1223. Fee disclosure; permissible reimbursement of expenses; court review;  
 51 report

52 \* \* \*  
 53 B. Only the following services provided by the **Louisiana** Department of  
 54 ~~Children and Family Services~~ **Health and Human Services**, or payments made  
 55 through a licensed adoption agency or an adoption attorney, are permissible and not  
 56 a violation of R.S. 14:286:

57 \* \* \*  
 58 H. A copy of the adoption disclosure affidavit and all orders of the court  
 59 pursuant to this Article shall be mailed to the **Louisiana** Department of ~~Children and~~  
 60 ~~Family Services~~ **Health and Human Services**.

61 Art. 1223.1. Adoption disclosure affidavit of fees and charges; form  
 62 \* \* \*

C. The form for the affidavit shall be as follows:

"ADOPTION DISCLOSURE AFFIDAVIT

BEFORE ME, the undersigned authority, personally came and appeared \_\_\_\_\_ (petitioner) and \_\_\_\_\_ (attorney for petitioner), who being first duly sworn, did depose and state:

In the matter of the adoption by \_\_\_\_\_ (petitioner's name):

1. We report the following fees and charges or other things of value given in connection with this adoption:

Itemization of Expenses Recipient Purpose Estimate Actual Date Paid

A. Legal expenses:

- 1. Attorney fees for biological parent
- 2. Attorney fees for adopting parent
- 3. Court costs
- 4. Travel costs
- 5. Other (Specify)

B. Counseling expenses:

- 1. Counseling for adopting parents
- 2. Home study evaluations
- 3. Counseling for biological parents
- 4. Counseling for the child
- 5. Statement of Family History information
- 6. Other (Specify)

C. Medical expenses for biological mother:

- 1. Medical
- 2. Travel
- 3. Other (Specify)

D. Medical/foster care expenses for child:

- 1. Medical
- 2. Travel
- 3. Other (Specify)

E. Living expenses of the biological mother:

- 1. Housing
- 2. Utilities
  - (a) Electricity
  - (b) Gas
  - (c) Water
  - (d) Telephone
- 3. Food
- 4. Transportation
- 5. Maternity clothing

F. Living expenses paid to the biological mother during the term of the pregnancy by another agency or attorney:

G. Other expenses (Specify):

Total Estimated Total Paid

2. We certify that no other fees, charges, or things of value other than court costs have been given or shall be given by anyone in connection with this adoption.

3. We declare that this disclosure statement has been examined by each of us and that its contents are true to the best of our information, knowledge, and belief.

4. We understand that each of us has a continuing obligation to supplement and amend this affidavit as necessary.

5. We understand that this information will be transmitted to the **Louisiana Department of ~~Children and Family Services~~ Health and Human Services**. We further understand that it may be released by written authorization of the court for purposes of a grand jury investigation pursuant to R.S. 14:286 or for an ethical investigation by the Committee on Professional Responsibility of the Louisiana State Bar Association. We further certify that we understand that in accordance with R.S. 14:286, making a false statement in any adoption disclosure affidavit with the intent to deceive and with knowledge that the statement is false is punishable by a fine not to exceed fifty thousand dollars or imprisonment with or without hard labor for not more than ten years, or both.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Signature of Attorney

1 \_\_\_\_\_  
2 Address Address  
3 SWORN TO AND SUBSCRIBED BEFORE ME ON THIS \_\_\_\_ DAY OF  
4 \_\_\_\_\_, \_\_\_\_.

5 \_\_\_\_\_  
6 (NOTARY PUBLIC)"

7 \* \* \*

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

9 \* \* \*

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

12 STATE OF LOUISIANA  
13 PARISH OF (NAME OF PARISH)

14 AGREEMENT FOR POST-ADOPTION CONTINUING CONTACT

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

22 OR

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

31 We have each freely and voluntarily entered into this Agreement and intend  
32 to be bound by its terms. We have been counseled and advised by the Department,  
33 our attorney, or other appropriate professional of the meaning of these declarations,  
34 the effects of a continuing contact agreement, and the opportunity to have our own  
35 respective counsel review this Agreement.

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

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

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

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

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

55 We certify that we enter this Agreement in good faith and intend that it  
56 always be interpreted to serve (NAME OF CHILD)'s best interest. We agree that we  
57 will always attempt to resolve any disagreement that may arise in (HIS/HER) best  
58 interest and acknowledge that court modification or enforcement is to be used only  
59 as a last resort when all informal means of resolution have been exhausted. We  
60 acknowledge that Louisiana Children's Code Article 1269.8 authorizes the court to  
61 hear a motion to enforce, modify, or terminate this Agreement only after we have  
62 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 Louisiana Department of ~~Children and Family Services~~  
9 **Health and Human Services**, office of ~~children and family services~~, **child welfare**  
10 is not a party to this Agreement and has 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 \* \* \*

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

31 \* \* \*

32 B. There is hereby created within the office of ~~children and family services~~  
33 **of the child welfare, Louisiana** Department of ~~Children and Family Services~~ **Health**  
34 **and Human Services** a voluntary registry for the matching of adopted persons, or  
35 an adoptive parent of a minor or deceased adopted person, or a descendant of a  
36 deceased adopted person, or his parent if a minor, and biological parents or siblings,  
37 or both, or a parent, sibling, or descendant, or his parent if a minor, of a deceased  
38 biological parent. The purpose of this registry shall be to facilitate voluntary contact  
39 between the adopted person, or an adoptive parent of a minor or deceased adopted  
40 person, or the descendant of a deceased adopted person, or his parent if a minor, and  
41 a biological parent or biological sibling, or both, or a parent, sibling, or descendant,  
42 or his parent if a minor, of a deceased biological parent.

43 \* \* \*

44 Art. 1274. Penalties

45 Any employee or former employee of the Louisiana Department of ~~Children~~  
46 ~~and Family Services~~ **Health and Human Services**, or a licensed adoption agency,  
47 or any employee or appointee or former employee or appointee of a court who  
48 discloses identifying information other than pursuant to judicial order or through the  
49 registry, as provided in this Chapter, shall be guilty of a misdemeanor and shall be  
50 fined not less than five hundred dollars and not more than five thousand dollars, or  
51 imprisoned for not more than six months, or both.

52 \* \* \*

53 CHAPTER 16. LOUISIANA DEPARTMENT OF ~~CHILDREN AND FAMILY~~  
54 ~~SERVICES~~ **HEALTH AND HUMAN SERVICES** ADOPTION INCENTIVES

55 \* \* \*

56 Art. 1281.3. Definitions

57 As used in this Title:

58 (1) "Agency" or "child placing agency" includes the Louisiana Department  
59 of ~~Children and Family Services~~ **Health and Human Services**, the corresponding  
60 department of any other state, and those private agencies and institutions licensed for  
61 the placement of children for adoption by the Louisiana Department of ~~Children and~~  
62 ~~Family Services~~ **Health and Human Services** or by the corresponding department

1 of any other state. Any person offering or providing intercountry adoption services  
2 shall be accredited by the Department of State in accordance with the Intercountry  
3 Adoption Universal Accreditation Act of 2012.

4 \* \* \*

5 (4) "Department" means the Louisiana Department of ~~Children and Family~~  
6 ~~Services~~ **Health and Human Services**.

7 \* \* \*

8 Art. 1282.5. Change of name

9 The full name of the adopted child may be changed in the final decree of  
10 adoption and, if changed, the surname shall be the same as that of the adoptive  
11 parent. In accordance with R.S. 40:79, the clerk of court shall forward, on a form  
12 supplied by the Louisiana Department of ~~Children and Family Services~~ **Health and**  
13 **Human Services**, his certificate of the decree to the state registrar, who shall make  
14 a new certificate of live birth of the person adopted, in the new name if the name has  
15 been changed in the decree.

16 \* \* \*

17 Art. 1283.2. Permissible reimbursement of expenses

18 \* \* \*

19 H. A copy of the Adoption Disclosure Affidavit and all orders of the court  
20 pursuant to this Article shall be mailed to the office of ~~children and family services,~~  
21 **child welfare, Louisiana** Department of ~~Children and Family Services~~ **Health and**  
22 **Human Services**.

23 \* \* \*

24 Art. 1283.3. Adoption disclosure affidavit of fees and charges

25 \* \* \*

26 C. The form for the affidavit shall be as follows:

27 "ADOPTION DISCLOSURE AFFIDAVIT

28 BEFORE ME, the undersigned authority, personally came and appeared  
29 \_\_\_\_\_ (petitioner) and \_\_\_\_\_ (attorney for petitioner), who, being first  
30 duly sworn, did depose and state:

31 In the matter of the adoption by \_\_\_\_\_ (petitioner's name):

32 (1) We report the following fees and charges, or other things of value given  
33 in connection with this adoption paid to any agency or individual:

	Actual	Estimated due:	Due or paid to:
	\$	\$	

36 A. Agency administrative expenses:

- 37 1. Attorney fees
- 38 2. Court costs
- 39 3. Travel costs
- 40 4. Overhead
- 41 5. Other (Specify)

42 B. Agency Mental Health Counseling expenses:

- 43 1. Counseling for adopting parents
- 44 2. Home study evaluations
- 45 3. Counseling for the child
- 46 4. Other (Specify)

47 C. Medical expenses for biological mother:

- 48 1. Medical
- 49 2. Travel
- 50 3. Other (Specify)

51 D. Medical/foster care expenses for child:

- 52 1. Medical
- 53 2. Travel
- 54 3. Other (Specify)

55 E. Other expenses (Specify):

56 (2) We certify that to the best of our knowledge no other fees, charges, or  
57 things of value other than court costs have been given or shall be given by anyone  
58 in connection with this adoption.

59 (3) We declare that this disclosure statement has been examined by each of  
60 us and that its contents are true to the best of our information, knowledge, and belief.

61 (4) We understand that each of us has a continuing obligation to supplement  
62 and amend this affidavit as necessary.



- 4. Other (Specify)
- C. Medical expenses for biological mother:
  - 1. Medical
  - 2. Travel
  - 3. Other (Specify)
- D. Medical/foster care expenses for child:
  - 1. Medical
  - 2. Travel
  - 3. Other (Specify)
- E. Other expenses (Specify):

(2) We certify that to the best of our knowledge no other fees, charges, or things of value other than court costs have been given or shall be given by anyone in connection with this adoption.

(3) We declare that this disclosure statement has been examined by each of us and that its contents are true to the best of our information, knowledge, and belief.

(4) We understand that each of us has a continuing obligation to supplement and amend this affidavit as necessary.

(5) We understand that this information will be transmitted to the office of adoption services, Louisiana Department of Children and Family Services Health and Human Services. We further understand that it may be released by written authorization of the court for purposes of a grand jury investigation pursuant to R.S. 14:286 or for an ethical investigation by the Committee on Professional Responsibility of the Louisiana State Bar Association.

Signature of Petitioner	Signature of Attorney
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Address	Address
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SWORN TO AND SUBSCRIBED BEFORE ME ON THIS \_\_\_\_ DAY OF \_\_\_\_\_.

\_\_\_\_\_  
(NOTARY PUBLIC)"

\* \* \*

Art. 1285.16. Change of name; issuance of birth certificate

The full name of the adopted child may be changed in the final decree of adoption and, if changed, the surname shall be the same as that of the adoptive parent. In accordance with R.S. 40:79, the clerk of court shall forward, on a form supplied by the Louisiana Department of Children and Family Services Health and Human Services, his certificate of the decree to the state registrar, who shall make a new certificate of live birth of the person adopted, in the new name if the name has been changed in the decree.

\* \* \*

Art. 1301.3. State tribunal and support enforcement agency

A. The district courts or, if applicable, the family or juvenile courts, ~~and the division of administrative review, Department of Children and Family Services~~, or other administrative law division authorized by law, are the tribunals of this state for purposes of this Chapter.

B. The Department of ~~Children and Family Services~~ Justice is the support enforcement agency of this state.

\* \* \*

Art. 1303.10. Duties of the Department of ~~Children and Family Services~~ Justice; state information agency

A. The Department of ~~Children and Family Services~~ Justice is the state information agency under this Chapter.

\* \* \*

Art. 1307.3. Relationship of the Department of ~~Children and Family Services~~ Justice to United States central authority

The Department of ~~Children and Family Services of this state~~ Justice is recognized as the agency designated by the United States central authority to perform specific functions under the Convention.

Art. 1307.4. Initiation by the Department of ~~Children and Family Services~~ Justice of support proceeding under convention

A. In a support proceeding under this Section, the Department of ~~Children and Family Services, of this state~~ Justice shall:



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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

IV.

That petitioner(s) desire(s) to knowingly and voluntarily transfer custody of the above named children to \_\_\_\_\_, which individual(s), institution or agency reside(s) at the following address: \_\_\_\_\_ and who have the following relationship with the children: \_\_\_\_\_.

V.

That petitioner(s) desire to transfer physical custody OR legal custody of the person of the children (indicate one) for the period of time \_\_\_\_\_ (specify intended duration) in accordance with the following terms and conditions \_\_\_\_\_ (may include provisions for support and/or visitation).

VI.

That petitioners desire this transfer of custody for the following reasons: \_\_\_\_\_.

Has the **Louisiana Department of Children and Family Services Health and Human Services** recommended to you that this petition be filed?

\_\_\_\_\_  
Yes No

If yes, state name of the **Louisiana Department of Children and Family Services Health and Human Services** worker making the recommendation and the reasons for the recommendation with particularity.

If the department has recommended that this petition be filed, you have a right to counsel. Have you consulted with an attorney?

\_\_\_\_\_  
Yes No

VII.

That \_\_\_\_\_ has/have agreed to and does/do desire to accept custody of the child(ren) to the extent and under the terms and conditions stated in this petition, as more fully appears in the attached Affidavit of Acceptance.

WHEREFORE, petitioner(s) pray(s) that there be judgment herein transferring custody of the child(ren), \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, to \_\_\_\_\_, to the extent and under the terms and conditions set forth in this petition.

\_\_\_\_\_  
(Signature and address of Petitioner(s))  
or counsel for Petitioner(s)

(If in proper person, petition should be signed in presence of a notary.)  
SWORN TO AND SUBSCRIBED BEFORE ME ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC"

\* \* \*  
\* \* \*  
\* \* \*

Art. 1517. Notice; service; curator; reservation of rights

E. If the **Louisiana Department of Children and Family Services Health and Human Services** has recommended that the petition for voluntary transfer of custody be filed:

\* \* \*

Art. 1518. Pretrial orders; contribution to costs; appointment of counsel; Indian parent or custodian

\* \* \*

B. Upon request of an indigent parent, the court shall appoint counsel for the parent when the Louisiana Department of Children and Family Services Health and Human Services has recommended that the petition for voluntary transfer be filed.

\* \* \*

Art. 1519. Hearing

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

Art. 1567. Venue; standing

\* \* \*

B. An adult may seek relief under this Chapter by filing a petition with the court alleging abuse by the defendant. Any parent, adult household member, local child protection unit of the Louisiana Department of Children and Family Services Health and Human Services, or district attorney may seek relief on behalf of any child or any person alleged to be incompetent by filing a petition with the court alleging abuse by the defendant. A petitioner's right to relief under this Chapter shall not be affected by his leaving the residence or household to avoid further abuse.

\* \* \*

Art. 1641. Rulemaking authority; effect of rules

A. The Louisiana Department of Children and Family Services Health and Human Services shall have the authority to promulgate rules and regulations in accordance with the Administrative Procedure Act as necessary to carry out the provisions of this Chapter.

\* \* \*

Section 30. Act. No. 384 of the 2013 Regular Session of the Legislature, Sections 1 through 9, 11 through 18, and 19(A) of Act No. 477 of the 2025 Regular Session, Section 13 of Act No. 478 of the 2025 Regular Session, and R.S. 15:587.5(A)(4) and 1199.4(D)(7), R.S. 17:407.51(B)(2), 407.101(C)(1)(ff), and 3138.12(C)(1)(b), R.S. 29:725.6(B)(6)(d)(i)(ff) and 726.5(B)(19), R.S. 36:4(A)(10), 8(E)(2)(d), 8.1(C)(5), 471 through 478, R.S. 39:21.3(E)(2)(f) and (l), R.S. 40:600.151(D)(1)(c) and 1061.17.1(9), R.S. 46:51, 230.1(C), 233.1(A) and (B), 352(2)(b), 353(A)(1)(b), 936, 2146(A)(1)(m), 2166(A)(7), 2168.1(C)(8), 2352(B)(5), 2525(D)(2), 2602(B)(1), 2605.4(C)(1)(e), and 2757, R.S. 49:74(A)(5)(i)(aa)(IX), 191(1)(h), 219.2(B)(1)(a)(iv), 219.5(B)(2), 220.46(B)(14), 966(B)(17), 1053(C)(16), and 1222(B)(6)(b), R.S. 51:1037(D) and 1057(B)(1), and Children's Code Art. 509 and 612 are hereby repealed.

Section 31. The administrative rules contained in the Louisiana Administrative Code promulgated by the Department of Children and Family Services which govern or are applicable to the programs and operations transferred from the Department of Children and Family Services to the Louisiana Department of Health and Human Services, the Department of Justice, and the office of state police by this Act shall continue to be effective, and the office of state register shall change all applicable references to the Department of Children and Family Services to the Louisiana Department of Health and Human Services, Department of Justice, or office of state police as applicable, and redesignate and renumber, as needed, all applicable provisions as are necessary to maintain continuity in the Louisiana Administrative Code.

Section 32.(A) All Department of Children and Family Services contracts related to the operation and administration of the programs and activities transferred to the Louisiana Department of Health and Human Services, the Department of Justice, and the office of state police by this Act shall be deemed to have been transferred and assigned to the Louisiana Department of Health and Human Services, the Department of Justice, and the office of state police upon the effective date of this Section without the necessity of contractual amendment, and the Louisiana Department of Health and Human Services the Department of Justice, and the office of state police shall be responsible for all related obligations and liabilities arising on or after that effective date.

1 (B) In order to ensure continuity of services during the transition period, any pending  
2 or unfinished business of the programs being transferred over shall be taken over and  
3 completed the Louisiana Department of Health and Human Services, the Department of  
4 Justice, and the office of state police with the same power and authorization as that of the  
5 Department of Children and Family Services.

6 (C)(1) All employees engaged in the performance of duties relating to the functions  
7 of the programs and services transferred from the Department of Children and Family  
8 Services to the Louisiana Department of Health and Human Services, the Department of  
9 Justice, and the office of state police are hereby transferred to carry out the functions of the  
10 transferred programs and services and shall continue to perform their duties, subject to  
11 applicable state civil service laws, rules, and regulations. Subject to such laws, positions in  
12 the unclassified service shall remain in the unclassified service. Upon the transfer of  
13 employees to a board, such employees shall immediately have the ability to payroll deduct  
14 or direct deposit their payroll earnings in favor of any credit union of which they were  
15 members prior to the transfer.

16 (2) The Department of State Civil Service shall assist the Department of Children and  
17 Family Services, and the Louisiana Department of Health and Human Services, the  
18 Department of Justice, and the office of state police in all human resource activities deemed  
19 necessary to make such a transfer. All human resource activities shall include but are not  
20 limited to the transfer of personnel files and other related confidential documents, position  
21 descriptions, retirement benefits, and related benefits, including but not limited to those  
22 offered by the Office of Group Benefits.

23 Section 33. The Louisiana State Law Institute is hereby directed to replace all  
24 references to the "Louisiana Department of Health" to the "Louisiana Department of Health  
25 and Human Services" in the Louisiana Revised Statutes of 1950 and applicable Codes.

26 Section 34. All employees engaged in the performance of duties relating to the  
27 functions of accounting and budget control, procurement and contract management, data  
28 processing, personnel management, and grants management shall transfer to the Louisiana  
29 Department of Health and Human Services on July 1, 2026.

30 Section 35.(A) This Section and Section 34 of this Act shall become effective upon  
31 signature by the governor or, if not signed by the governor, upon expiration of the time for  
32 bills to become law without signature by the governor, as provided by Article III, Section  
33 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved  
34 by the legislature, this Act shall become effective on the day following such approval.

35 (B) Sections 1 through 33 of this Act shall become effective on October 1, 2026."