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|  | Division/Section | Child Welfare |
| | Chapter No./Name | 4 – Child Protective Services (CPS) |
| | Part No./Name | 2 – Louisiana Central Registry |
| | Section No./Name | Louisiana State Repository and Central Registry |
| | Document No./Name | 4-240 Release of Information on the State Central Registry |
| | Effective Date | November 20, 2024 |

I. STATEMENT OF POLICY

It is the policy of the Department of Children and Family Services (DCFS) that names on the State Central Registry (SCR) of reports of child abuse and neglect is confidential. Names of perpetrator shall only be released in limited circumstances and in accordance with Louisiana law and Administrative Code.

II. PROCEDURES

* Clearances will no longer be completed in the local office. **ALL** clearances are completed by State Office.

Refer to the Appendix A, Guide to Child Abuse/Neglect Background Clearances for procedures. **

A. SCR CLEARANCE PROCEDURE

When a request for an SCR clearance is received from an individual/agency authorized to receive the clearance for the purpose stated in the request, a search of the ACCESS SCR is completed.

The clearance may be released in the following circumstances:


- The individual has no child abuse/neglect history with the department;
- The individual has a history but there are no allegations of child abuse or neglect with a valid final finding that places the individual on the SCR (Tier I, II or III); or,
- The individual has a history of Tier I, II or III allegations of child abuse/neglect with valid findings the status of **all** valid allegations is “Appeals Exhausted”; and, the case does not appear to meet the criteria for expungement.

Refer to CPS Section 4-200 for guidance with determining the criteria for the maintenance of a valid finding.

1. Individual with Administrative Rights

When an SCR clearance request is completed and the search reveals the individual has valid findings that would place them on the SCR; or they have valid findings on the Undetermined Tier; but, their administrative appeal rights are not exhausted, the following procedure is applicable:

- The search results shall not be released until the individual’s appeal rights are exhausted;

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- When the purpose of the clearance is for employment purposes; for a foster/adoptive applicant; or the individual has valid findings on the Undetermined Tier, the clearance request shall be forwarded to the Protective Services Review Team via a task in ACESS;
- The clearance worker receives notification from the PSRT if the valid finding is overturned; or,
- The allegation status; and, when it changes to “Appeals Exhausted” or the follow-up clearance determines the individual no longer has any valid allegations:
 - The SCR clearance is released to the requester.

When the clearance request is not related to employment purposes or for a foster/adoptive applicant; the search reveals valid allegations with a status of “Not Appealed” (valid findings prior to August 1, 2018; and, notification has not been sent informing the individual of their appeal rights) the individual is notified via the CPS Form 17, Child Abuse/Neglect Clearance Notification. The clearance worker prepares the form using the ACESS communication. Refer to CPS Form 17 instructions.

The clearance will not be released to the requestor until the individual has exhausted their appeal rights as verified with either a clearance with no valid findings or all valid allegations have an “Appeals Exhausted” status.

Refer to Section 4-220, Tiered Validity System.

2. Individual Appears to Meet Criteria for Expungement


When it appears a case may meet the criteria for expungement (Refer to CPS Section 4-200), the worker, with supervisory concurrence should:

- Put the clearance on hold;
- Send the information via email to the State Office Protective Services Review Team Manager (DCFS.ProtectiveServicesReview@la.gov) for review and, when appropriate, manual expungement; and,
- Proceed with the clearance when notified by the PSRT Manager that the case has been expunged; or, it does not meet the criteria for expungement.

B. CLEARANCES FOR CASA APPLICANTS

Children’s Code, Article 616, permits a judge of a court exercising juvenile jurisdiction to make a written request for an SCR check for an individual applying to volunteer as a court-appointed special advocate, with the applicant’s written consent. Clearances upon the judge’s order may also be completed on CASA staff and Board of Directors who have access to children.

Form 29-A is used for the request and the applicant’s written request.

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Requests for clearances for CASA applicants * are ** completed by *** State Office via the e-mail address at: * DCFS.ChildAbuseNeglectClearances@LA.GOV **

Requests are to include an attached copy of the CW Form 29-A; and, a court order. The Form 29-A and the court order shall be maintained in a file for CASA applicant in the local office for local clearances or in State Office for a State Office clearance.

The clearance will be conducted as soon as possible. When it is completed, the office conducting the clearance is responsible to return the completed Form 29-A in an envelope marked “Confidential” to the requesting Judge.

Refer to Form 29-A, Instructions.

C. RELEASE OF SCR INFORMATION FOR LA STATE AGENCIES EMPLOYMENT PURPOSES

1. DCFS Employment

DCFS internally discloses information regarding perpetrators of child abuse and/or neglect who are listed on the SCR subsequent to January 1, 2010, when requested pursuant to R.S. 46:51.2(A) for potential or current employee transfer or promotion within DCFS. The clearance is applicable to DCFS positions whose duties include:

- Investigation of child abuse or neglect;
- Supervisory or disciplinary authority over children;
- Direct care of a child; or,
- Performance of licensing surveys


The Form SCR-03 is used for the clearance request.

2. LDOE Employment

DCFS will conduct an SCR clearance for LDOE for employees and potential employees responsible for the performance of licensing inspections.

3. Office of Juvenile Justice

DCFS will disclose information on perpetrators with valid sexual abuse final findings in accordance with 34 USC 30301 et seq., and 28 CFR 115.5 et seq. for prospective and current juvenile facility employees of the Office of Juvenile Justice upon receipt of a written request.

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D. RELEASE OF INFORMATION FOR EMPLOYEE OR VOLUNTEER IN CHILD CARE FACILITY

The following clearances are conducted at the State Office level. DCFS will not disclose the clearance information until there is confirmation of receipt of the \$25 fee by LDOE, DCFS Licensing or State Office.

1. Louisiana Child Care Providers

Beginning July 1, 2018, DCFS will conduct an SCR clearance for any owner, operator, current or prospective employee or volunteer in a day care center licensed by the Louisiana Department of Education (LDOE) or a registered family child day care home provider registered by LDOE. The request is submitted through the LDOE Child Care Background System and requires a \$25 fee for each clearance. LDOE is authorized to collect the \$25 fee for the clearance on behalf of DCFS.

2. Louisiana DCFS Licensing

An owner, operator, current or prospective employee or volunteer of a specialized provider; juvenile detention facility licensed by DCFS; or, an employee of a child placing agency shall submit the request and the \$25 fee to DCFS through the Child Abuse and Neglect Background System (CANS).


3. Out of State Requests

DCFS will disclose to a potential employer or another lead state agency information on perpetrators of child abuse and/or neglect who are listed on the SCR for individuals, as requested by other states, as pursuant to federal law for employees and potential employees of child day care settings. The request is submitted through the Child Abuse and Neglect Background System (CANS) and must include a written request containing the individual's consent, proof of licensure and the \$25 fee. DCFS will not disclose such information until it has confirmed receipt of the fee.

E. RELEASE OF INFORMATION FOR DCFS VOLUNTEERS AND SERVICE PROVIDERS

The Louisiana Administrative Code permits the disclosure of information on valid findings subsequent to January 1, 2010, when requested as part of the application process of a prospective DCFS volunteer or service provider. The disclosures for prospective volunteers and service providers are limited to the following:

1. An individual who will be providing services for a child currently in the department's custody through a mentoring or tutoring program or relationships; or,

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2. * An individual who has personally entered into an agreement with the department for the provision of transportation services for a child currently in DCFS custody. The CW Form 29-A is used for the clearance and documentation of the results. When the services will be for a specific foster child, the worker should:

- Document the clearance in the case record with case activities; and
- Retain the form in the foster child's case record.

When the clearance is for an applicant with an outside organization/agency, a formal agreement specific to these clearances shall be in place. A clearance requires both a written request of the agency and the Form 29-A documenting the applicant's permission for the clearance and release of information to the organization/agency.


Refer to CW Form 29-A Instructions.

F. Caregiver for Employer's Minor Children or Other Person Who is Their Dependent

An SCR clearance requested pursuant to [R.S. 46:56 \(F\)\(11\)](#) permits the Department to disclose limited information contained in child abuse or neglect records upon written request of a caregiver to an employer or prospective employer of the caregiver who will be exercising supervisory authority over that employer's minor children or other person who is their dependent as part of that person's employment as a caregiver.

[R.S. 46:56 \(F\)\(11\)](#) provides for a records clearance only when the employer will be hiring a caregiver for their child or a person who is their dependent. The employment relationship shall only include direct employment and supervision of the employee by the parent/person with dependent. The statute does not limit the requests to Louisiana, therefore, out of state requests will be accepted when they comply with the following procedure for requesting the information:

1. The request for the records search is made via the Form 29-A, Child Welfare State Central Registry Check Request. It may be obtained from any local or regional office.
2. DCFS will conduct a records check at **state office **** when a completed and notarized Form 29-A is received in any local or regional office and the relationship between the employer and the person who will receive care meets the limited criteria of [R.S. 46:56 \(F\)\(11\)](#).
3. When the person who will receive care is a person other than the employer's child/dependent and/or the location where care will be provided is a facility such as a day care center or other setting that does not meet the employment relationship state above, a record clearance is not permissible and, therefore, shall not be

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conducted. When a records clearance cannot be conducted, this is indicated on the Form 29-A and returned to the employer.

4. When the request for a clearance meets the criteria of the statute, it will include a name search on the SCR to determine if the employee or potential employee has been identified as a perpetrator of abuse and/or neglect with an investigation for which the final finding is valid and the individual has exhausted their administrative appeal rights. Information on inconclusive or invalid findings shall not be released.
5. The information released to the employer or prospective employer will include one of the following: the record check cannot be conducted as request does not meet legal criteria; the applicant is listed on the Louisiana State Central Registry of Child Abuse and/or Neglect; or the applicant is not listed on the Louisiana State Central Registry of Child Abuse and/or Neglect.

The records check is to be completed within seven working days from the receipt of the request by DCFS Child Welfare. The clearance will be verified and the release of information approved by a supervisor. If the information cannot be released, the supervisor will sign the Form 29-A advising the employer a records check cannot be completed.

6. Each local office shall maintain a file with a copy of each Form 29-A for these SCR clearances.

Refer to Section 4-260 , Guide to Child Abuse/Neglect Background Clearances, for assistance with completing SCR clearances.

III. FORMS AND INSTRUCTIONS

[Form XI / Instructions](#), Child Abuse/Neglect Out of Home Care Investigation Report
[Form 17 / Instructions](#), Child Abuse/Neglect Clearance Notification
[Form 29-A / Instructions](#), Child Welfare State Central Registry Check Request

IV. REFERENCES

LA R.S. 46:51.2
LA R.S. 46:56
Children's Code Articles 615 and 616
LAC 67: I. 203
LAC 67: V.1103
28 CFR 115.5 et seq.
34 USC 30301 et seq.
42 USC §5106 A. (CAPTA)
45 CFR §1340.14 (i)