 Department of <b>Children &amp;  Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	4 – Child Protective Services (CPS)
	<b>Part No./Name</b>	2 – Louisiana State Repository and Central Registry
	<b>Section No./Name</b>	Louisiana State Repository and Central Registry
	<b>Document No./Name</b>	4-210 Release of Information on the State Repository
	<b>Effective Date</b>	April 15, 2023

## I. STATEMENT OF POLICY

It is the policy of the Department of Children and Family Services (DCFS) that information on individuals listed on the State Repository (Repository) is confidential. It may only be released to persons or agencies outside DCFS for limited purposes as permitted by state law; federal law and regulations; and, the Louisiana Administrative Code.

## II. PROCEDURES

The permitted release of information on the Repository is limited by the person or agencies requesting the information and the purpose for the release. Refer to Section 4-200 for information on maintenance of information on the Repository. A permitted release of information on the Repository for most requests includes:

- Whether the individual is listed as a perpetrator on a case within the Repository (Tiers I, II, III, IV, V and Undetermined Tier) for which the individual has exhausted appeal rights and the case does not meet the criteria for expungement;
- The date and finding for an investigation that may be released; and,
- The date of the clearance.


When the case appears to meet the criteria for expungement and the perpetrator is listed on the Repository, refer to CPS Section 4-240, Release of Information on the State Central Registry, for the procedures for the case review and State Office expungement.

In some cases, the release may include limited information about the abuse/neglect type and case circumstances when such information is permitted by statute. It may also include, in limited permitted releases, information on inconclusive final findings.

### A. DISTRICT ATTORNEY

Information on all valid final findings (all Tiers) of child abuse or neglect is sent to the District Attorney for the perpetrator's residence as required by Children's Code, Article 615. When there is court action related to the abuse/neglect, the valid finding is reported to the DA as soon as possible after the determination of the final finding, as per Children's Code Article 616. For valid final findings with no court involvement, \* the Form 10 shall be generated and sent to the DA upon closure of the investigation. The name of the reporter may be released as a person who may have pertinent information; however, they shall not be identified as the reporter. \*\*

Refer to Section 1-515, Release to Law Enforcement Agencies, for more information about the release of case record information to a DA.

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## **B. LAW ENFORCEMENT MILITARY AUTHORITIES, PROSECUTING AUTHORITIES, AND CORONERS**

Law enforcement agencies may receive information on the case for persons involved in a joint child abuse/neglect investigation by DCFS and law enforcement. \* The name of the reporter may be released as a person who may have pertinent information; however, they shall not be identified as the reporter. Prior valid (with allegation status of “Appeals Exhausted”) and inconclusive findings may also be released.

Additionally, local, state, and federal agencies engaged in enforcing or prosecuting may request a Repository search of persons involved in a criminal prosecution involving violators of child abuse and neglect laws or perpetrators of criminal acts against children. Only information on valid (with allegations status of “Appeals Exhausted”) and inconclusive findings may be released. The name of the reporter may be released as a person who may have pertinent information; however, they shall not be identified as the reporter. The requesting agency shall request the information in writing and state the purpose for which the information is being requested.


All files, records, and information regarding a report that has been determined to be inconclusive or not justified (invalid) shall be released to local, state, and federal law enforcement agencies, military authorities, prosecuting authorities, and coroners upon request when such entity is in the course of investigations or legal proceedings and the requesting entity has good cause to believe that the files, records, or information contain information which may be constitutionally required to be disclosed pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny. *Brady* established a rule that the prosecution has a constitutional duty of due process to disclose material evidence favorable to a defendant. The requesting agency shall request the information in writing and state the purpose for which the information is being requested. The name of the reporter may be released as a person who may have pertinent information; however, they shall not be identified as the reporter. \*\*

## **C. LICENSING/CERTIFICATION AGENCIES FOR OUT OF HOME INVESTIGATIONS**

The licensing, certification, or registering agency for an out of home facility/home is notified of all valid, final findings for investigations for facilities who are:

- Any owner, operator, current or prospective employee or volunteer of a specialized provider or juvenile detention facility licensed by DCFS to DCFS Licensing;
- A day care center licensed by the Louisiana Department of Education (LDOE) to LDOE;
- A registered family child day care home registered by LDOE to LDOE; or,
- A child restrictive care facility licensed by the Louisiana Department of Health

The notification occurs after the administrative appeal rights of the perpetrator have been exhausted. DCFS will redact the reporter’s identity.

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Refer to Part 11, Investigation of Reports Alleging Child Abuse/Neglect of Children in Restrictive Care Facilities, for notification to licensing. Refer to Part 12, Investigation of Reports Alleging Child Abuse/Neglect in Certified/Noncertified Foster Homes, for notifications. Refer to Part 13, Child Care Provider Investigations, Section 4-1340.

## **D. CHILD WELFARE HOME STUDIES OR SERVICES**

### **1. Out of State Child Welfare Agencies**

Information on valid findings on the Repository may be released to other states' child welfare agencies when the purpose is pursuant to an ongoing:

- Child Protection Investigation; or,
- Alternative response (to an investigation of child abuse/neglect) in the requesting state.

The request is submitted through the Child Abuse and Neglect Background System (CANS) that is accessed via the DCFS website.

In accordance with Children's Code, Article 616, information may be released involving an open investigation and/or a completed investigation with a valid finding upon written request. The information on valid findings prior to the exhaustion of the individual's administrative appeal rights is permitted only for the purpose of a Child protective Services investigation and may include providing the Investigative Summary. DCFS will redact the reporter's identity.


### **2. Private Child Placing Agencies**

Information may be released to private licensed child placing agencies located in Louisiana and in other states with the receipt of a written request and verification of licensure when the request is pursuant to a foster/adoptive home study. The information released is confidential and shall not be released to sources outside the agency.

The request for potential foster/adoptive families from a Louisiana child placing private agency is made in writing using a Form 29-A that includes the applicant's signed consent for the Repository clearance. The requests are sent to the regional office for the parish where the agency is located.

LA R.S. 46:56 requires that the requests for the information be in writing and include the purpose for the request of the information.

All requests from other states for the purpose of conducting a foster/adoptive home study for foster children are submitted through the Child Abuse and Neglect Background System (CANS).

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All clearances for child placing agency employees are completed through the CANS system.

### **3. Independent or Private Adoption**

Repository clearances are permitted for the following adoption applicants:

- In state intra-family, private and agency adoptions
- Out of state private adoption home studies conducted by a LCSW or LPC

Information on a records check for intrastate independent adoptions is released as per Article 1173 of the Louisiana Children's Code. It is released upon request from the court.

The Repository clearance, that occurs via the regional Adoption Petitions program, includes the release of all valid findings when the status of all valid allegations is “Appeals Exhausted”; or, as stated in the court order. For example, the court order may be for a State Central Registry clearance. Refer to Section 4-240, Release of Information on the SCR. The clearance requires the applicant’s written consent on a Form 29-A.


A Repository clearance for an adoption applicant home study conducted by a LCSW, LPC or out of state licensed clinical social worker requires a signed written consent from the applicant on the Form 29-A. The request must be on the social worker’s letterhead and include verification of their licensure.

### **4. DCFS Home Studies for Foster/Adoptive Applicants**

As per Children’s Code, Article 616, and the LA Administrative Code, DCFS will internally disclose information regarding valid and inconclusive child abuse and/or neglect investigations for foster, adoptive home studies. The information is also released for the purpose of placement of children or as a visitation resource for children who are in the custody of the department or receiving services from the department.

### **5. Non-Certified Caregivers, Potential Caregivers and Visitation Resources**

DCFS will internally disclose information regarding all valid child abuse and/or neglect investigation findings for non-certified caregivers, potential caregivers and persons willing to be visitation resources for children in DCFS custody. The Form 29-A is used to request the clearance and requires the caregiver’s/visitation resource signed consent for the clearance.

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## 6. Safety Monitor

A Repository clearance of all valids may be obtained without written permission for an individual who has agreed to serve as a safety monitor for a CPS safety plan when the child is not in DCFS custody. The CPS worker requests the clearance from the local office clearance worker; and, documents the clearance results in the ACCESS investigation case.

## E. CHILD DEATH REVIEW PANEL

LA R.S. 40:2019 permits the release of information on the State Repository to the Child Death Review Panel. The permitted release includes all valid, inconclusive and invalid final findings when DCFS conducted an investigation of the child fatality the Panel is/will be reviewing. DCFS will redact the reporter's identity. When the Regional CDRP representative receives a request from the CDRP, the clearance is completed as soon as possible. Refer to Section 4-540 Louisiana State Child Death Review Panel (CDRP) as needed.

## F. INDIVIDUAL REQUESTS TO DETERMINE IF THEY HAVE APPEALABLE VALIDS


An individual may request a Repository search of their valid findings for the sole purpose of determining if they have any appealable valid investigations.

In order to receive this information, they may contact DCFS, in-person, at their nearest local Child Welfare office, and request a clearance. The clearance is requested in writing with the completion of the Form 29-C, Request for Determination of Appealable Valid Investigations. Additionally, the requester must present proof of identification either with a State issued Driver's License or State Identification Card. A copy of the identification is retained with the Form 29-C.

The requester will be advised that they will be notified by mail with the results of the Repository clearance. If they have appeal rights, the notification will advise them how to proceed with an appeal.

The local office is responsible to complete the clearance as soon as possible, but within 10 business days. The results of the clearance are documented on a Form 29-D and the form is mailed to the requester using the address provided on the Form 29-C.

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

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### III. FORMS AND INSTRUCTIONS

[Form 17 / Instructions](#) Child Abuse/Neglect Clearance Notification

[Form 29-A / Instructions](#) Child Abuse/Neglect Clearance Request

[Form 29-C / Instructions](#) Request for Determination of Appealable Valid Investigations

[Form 29-D / Instructions](#) Notification of Request for Appeal Determination

### IV. REFERENCES

Louisiana Children's Code, Articles 615 and 616

Louisiana Revised Statute 40:2019

LAC 67: V.1101

LAC 67: V.1105