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| <br>Department of<br><b>Children &amp;<br/> Family Services</b><br><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>     | 13 – Child Care Provider Investigations                    |
|  | <b>Section No./Name</b>  | Child Care Provider Investigations                         |
|  | <b>Document No./Name</b> | 4-1300 Child Care Provider Investigations Responsibilities |
|  | <b>Effective Date</b>    | November 20, 2024  |

## I. STATEMENT OF POLICY

It is the policy of the Department of Children and Family Services (DCFS) that local office staff is responsible for assuring the local office notifications are completed; and, a worker is assigned to conduct the investigation of reports of child abuse and/or neglect of child care providers.

## II. PROCEDURES


### A. RESPONSIBILITY OF DCFS WITH CHILD CARE INVESTIGATIONS

\* Pursuant to Louisiana Children’s Code Article 603(4) (a), a “caretaker” includes an operator or an employee of (1) an early learning center as defined by La. R.S. 17:407.33, (2) a registered family day care home, and (3) a restrictive care facility. Therefore, DCFS is responsible for the investigation of reports of child abuse/neglect of children receiving care in all of those facilities as defined below.

1. La. R.S. 17:407.33 defines "Early learning center" as any child day care center, Early Head Start Center, Head Start Center, or stand-alone prekindergarten program not attached to a school, a child day care center" as any place or facility operated by any institution, political subdivision, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or legal custodian, on a regular basis for at least twelve and one-half hours in a continuous seven-day week. If a child day care center provides transportation or arranges for transportation to and from the center, either directly or by contract with third parties, all hours during which a child is being transported shall be included in calculating the hours of operation. A child day care center that remains open for more than twelve and one-half hours in a continuous seven-day week, and in which no individual child remains for more than twenty-four hours in one continuous stay, shall be known as a full-time child day care center. A child day care center that remains open after 9:00 p.m. shall meet the regulations established for nighttime care.


2. La. R.S. 17:407.33 defines “Head Start and Early Head Start Programs” as the federally funded early childhood care and education programs that promote and teach school readiness to children ages birth to five from low-income families and provide services in the areas of education, social services for families, nutrition, family engagement, health and mental health, as well as providing the physical plant and instructional staff members for such purposes.

Child day care centers are licensed as early learning centers as per LA R.S. 17:407.34. The Louisiana Department of Education is responsible for licensing child day care centers. Any program or camp \*\* including a Mother’s Day Out program may be considered a child day care center if they meet the above definition.

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\* 3. Repealed La. R.S. 46:4141.1 defined “family child day care home” as any place, facility, or home operated by an institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and/or guidance of six or fewer children.” LA RS 17:407.62., defines a family child care provider as an individual who provides child care services for fewer than twenty-four hours per day per child, as the sole caregiver, for six or fewer children, in a private residence and an in-home provider is an individual who provides child care services in the child or children’s own home. Family child care providers and in-home providers who either directly or indirectly receive state or federal funds related to the care provided are required to be registered with Department of Education (LDOE).

4. Louisiana Children’s Code Article 603(4) (b) defines “restrictive care facility” as a public or private licensed or unlicensed child care facility, group home, emergency shelter facility, maternity home, psychiatric hospital, or a psychiatric unit located in a state-owned or state-contracted general hospital. La. R.S. 46:2702(2) defines “child care facility” as a facility as defined in R.S. 46:1403(B) . . . or a group child day care home as defined in R.S. 46:1441.1. Repealed La. R.S. 46:1403(B) defined “child care facility” to include the following: (1) “community home” – any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group which receives therein at least four but not more than six individuals, who are not related to the operator and whose parents or guardians are not residents of the same facility, for supervision, care, lodging, and maintenance, with or without transfer of custody; (2) “maternity home” - any place or facility in which any institution, society, agency, corporation, person or persons, or any other group regularly receives and provides necessary services for children before, during, and immediately following birth. This definition shall not include any place or facility which receives and provides services for women who receive maternity care in the home of a relative within the sixth degree of kindred, computed according to civil law, or general or special hospitals in which maternity treatment and care is part of the medical services performed and the care of children only brief and incidental (La. R.S. 46:1403(5) provides this same definition of “maternity home” and La. R.S. 46:1403(6) defines “related” or “relative” as a natural or adopted child or grandchild of the caregiver or a child in the legal custody of the caregiver); (3) “group home” - any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group which receives therein at least seven but not more than fifteen children who are not related to the operators and whose parents or guardians are not residents of the same facility for supervision, care, lodging, and maintenance, with or without transfer of custody; (4) “day care center” - any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or guardian, on a regular basis for at least twelve and one-half hours in a continuous seven-day week. A day care center that remains open for more than twelve and one-half hours in a continuous seven-day week, and in which no individual child remains for more than twenty-four hours in one continuous stay shall be known as a full-time day care center. A day care center that remains open after 9:00 p.m. shall meet the appropriate regulations established for nighttime care; and (5) “residential home” - any place, facility, or home operated by any institution, society, agency, corporation, person or persons,

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or any other group to provide full-time care for more than fifteen children who are not related to the operators and whose parents or guardians are not residents of the same facility, with or without transfer of custody. A residential home as defined in this Paragraph includes facilities known as children's homes, halfway houses, residential treatment centers, training schools, and facilities for the mentally retarded, emotionally disturbed, socially maladjusted, or otherwise mentally or physically handicapped (NOTE-for discussion – this definition of residential home is different than the definition in RS 46:1403(7) which as best I can tell is not included as part of the original 3 places listed in the first paragraph) Repealed La. R.S. 46:4141.1 defined “group child day care home” as any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and/or guidance of seven but not more than twelve children.”

When a facility or person is providing care to children under any of the circumstances described above, DCFS has the responsibility to investigate when a report of child abuse and/or neglect has been received regardless of whether they are licensed or unlicensed.

## **B. APPLICABLE PROCEDURES FOR CHILD CARE PROVIDER INVESTIGATIONS**

Part 13 includes the policy and procedures for Child Protective Services investigations specific to Early Learning Centers, child day care centers and registered family child day care homes and restrictive care facility. \*\* Staff is expected to also know and follow all other Child Protective Services policy and procedures as applicable to the report (e.g.: investigation level requirements, time frames, allegation finding requirements, etc.), unless there is a different procedure in Part 13.

The policy and procedures for the intake, report acceptance, intake decision making and notification of the report to the LDOE for reports in day care centers and family child day care homes are found in Part 4, Child Protective Services Intake.


For the purpose of this policy, “Child Care Providers” include both child day care centers and family child day care homes.

Refer to Part 20, Child Protective Services Case Record, Procedures and Documentation, for the ACESS case record documentation policy and procedures on child care providers.

## **C. LOCAL OFFICE STAFF ACTIONS POST REPORT ACCEPTANCE**

### **1. Supervisor Assigned to ACESS Queue**

Assigns all investigations of child care providers to a worker as soon as possible; or, by the close of business of the report date during the work week. When a report is received after hours, on a weekend or holiday, the worker is assigned the first business day after the receipt of the report. An exception is an investigation that must be initiated

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prior to the next business day, in order to comply with the response priority. In that case, the investigation is assigned prior to the next business day.

## **2. Staff Opening Investigation Case in ACESS**

Follows local office procedures to open the investigation case in ACESS in accordance with Section 4-2010, CPS Case Record.

## **3. Worker and Supervisor Notifications**

### **a. Active Child Welfare Program Cases**

If the child care provider, perpetrator or alleged victim(s) have an open DCFS case, the investigation worker immediately notifies the other responsible DCFS worker and supervisor of the report by telephone or e-mail.

### **b. Not Accepted/Additional Information Intake Cases**

The supervisor notifies the assigned worker and supervisor of the report when a Not-Accepted/Additional Information intake case is received for a current investigation.

### **c. Local Law Enforcement**


The worker shall Fax or e-mail a copy of the ACESS CPI Intake Summary Form to law enforcement in accordance with CPS Policy 4-500, Preparing for the Investigation.

The worker shall confirm and document that the referral was received via a FAX receipt, e-mail acceptance, or direct contact with law enforcement. Refer to CW Policy [4-2020](#) for documentation of case activities.

## **4. Regional Director with Child Fatalities, Life Threatening Injuries and Media Attention**

\* If the investigation involves a fatality or life threatening injury, The Regional Administrator or their designee shall email the completed CPI-4 Form to State Office at [DCFS-CPI-4Reports@LA.GOV](mailto:DCFS-CPI-4Reports@LA.GOV) within 48 hours of a notification of a child fatality/life threatening injuries report. DCFS is required to notify the State Child Ombudsman of all fatalities that are found to be a result of abuse and/or neglect. Once medical confirmation is received verifying that the child's death was due to abuse or neglect, please notify State Office at [DCFS-CPI-4Reports@LA.GOV](mailto:DCFS-CPI-4Reports@LA.GOV) . Also, include a copy of the diagnosis, autopsy finding, etc. with the email.

When after intake, it is known that a report has or is expected to attract media attention, the Regional Administrator or their designee is responsible for completing and

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forwarding a [DCFS Media Crisis Information Sheet](#) as per DCFS Policy I-17, Media Relations to [DCFS-CPI-4Reports@LA.GOV](mailto:DCFS-CPI-4Reports@LA.GOV)

### III. FORMS AND INSTRUCTIONS

[CPI-4 Form](#) / [Instructions](#) Initial Child Fatality/Life Threatening Injuries Report Crisis Information Sheet

[DCFS Media Crisis Information Sheet](#) \*\*

### IV. REFERENCES

No references are associated with this policy.