	<b>Agency Name</b>	Office of Community Services (OCS)
	<b>Chapter No./Name</b>	4. Child Protection Investigation
	<b>Part No./Name</b>	2. Louisiana State Central Registry
	<b>Section No./Name</b>	4-218 SCR Correction and Expungement Orders
	<b>Effective Date</b>	December 1, 2011

## 4-218 STATE CENTRAL REGISTRY CORRECTION AND EXPUNGEMENT ORDERS

### I. STATEMENT OF POLICY

It is the policy of the Department of Children and Family Services to comply with a correction court order of the State Central Registry for a person who is the subject of a finding of abuse or neglect in accordance with [Article 616.1](#) of the Louisiana Children's Code. Additionally, DCFS shall comply with an expungement order from the court with juvenile jurisdiction in the parish in which the investigation was conducted in accordance with the Louisiana Administrative Code, [Title 67, Section 1103 B \(7\)](#).

### II. PROCEDURES

#### A. CPI WORKER PROCEDURE WITH CLIENT OBJECTION TO SCR INFORMATION MAINTENANCE

A client/subject of a report in a Child Protection Investigation may object to the maintenance of information in the State Central Registry. This may occur when receiving the written notification of the report and investigation or when they are advised of a valid final finding for their involvement in abuse/neglect. The CPI worker shall inform them of the following:

- The Department's mandate under Louisiana Law to maintain a Central Registry
- DCFS is, therefore, unable to exempt any subject from the State Central Registry without a court order
- The client/subject must obtain a court order either under the provisions of the Children's Code for a correction order or Administrative Code for an expungement order to have the information removed.


#### B. CORRECTION AND EXPUNGEMENT ORDERS PROCEDURES

##### 1. Correction Order Court Process

[Article 616.1](#) provides that a client/subject may seek a correction order with the court exercising juvenile jurisdiction in the parish where the investigation was conducted when they were the subject of a finding of abuse or neglect in a case in which no "child in need of care" petition has been filed." DCFS and the district attorney will be served when a motion for a correction order has been filed.

##### 2. Expungement Order Court Process

The LAC, [Title 67, Section 1103 B \(7\)](#) provides that any person whose name is on the State Central Registry may seek an expungement order from the court with juvenile jurisdiction in the parish in which the investigation was conducted. A "rule to show

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cause against the Department why the information on file should not be expunged” is filed.


When DCFS is served with the hearing for the motion for a correction or expungement order notice, the following steps should be taken:

- a. When served, the local office shall notify the Area Director and immediately consult with the Regional Attorney to take steps to oppose the correction or expungement. The district attorney will also be contacted to advise them of the Department decision and to determine if the district attorney will also file an objection. The statute provides for a contradictory hearing on the issue of the correction. The Department may file an objection to an expungement.
- b. If both the Department and the district attorney fail to file a motion or the judge in a hearing determines that the report was not justified (invalid) and that a correction order is not contrary to the best interests of the child, the correction order may be issued.

### **3. Correction or Expungement Court Order**

When a court issues a correction or expungement order, the following procedures are followed:

- a. When a notice of the hearing was not received timely and the court has already rendered an order to expunge or correct the finding, staff shall immediately notify the Area Director and the Regional Attorney of the order. Consultation should be held as appropriate on a case-by-case basis to discuss the feasibility of filing a motion to modify and/or appeal the order.
- b. If a correction or expungement order hearing notice is received timely, there was a Department decision against filing a motion, or a motion was unsuccessful, the Area Director will forward a copy of the court order to the State Office CPI Program Unit.
- c. The court order shall be accompanied by a cover memorandum from the Regional Attorney that summarizes the following:
  - Information to be corrected/expunged;
  - Steps that were taken to oppose the order or the reason that the order was not opposed; and,
  - Affidavit for State Office CPI Unit Manager to sign, when it is necessary to verify compliance with the court order.

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- d. The CPI Program Manager will consult with the Area Director, as needed, to verify specifically the information that is required to be expunged or corrected to comply with the court order.
- e. The CPI Program Manager will forward the court order and cover letter to the Bureau of General Counsel (BGC) for legal confirmation of a valid and appropriate order for the correction/expungement.
- f. The BGC will return the documents to the CPI Program Manager with written confirmation of a valid order.
- g. The CPI Program Manager will forward the documents to the Systems, Research and Analysis Section for expungement in TIPS and ACESS. They will expunge the petitioner's name and other identifying information from the State Central Registry when that is necessary to comply with the court order. Compliance with a correction requires changing the finding to invalid to comply with the correction order.
- h. The Systems, Research and Analysis Section will return the documents to the CPI Program Manager with verification that electronic record expungement or correction has been completed.
- i. The CPI Program Manager will send a copy of the verification and signed affidavit to the Area Director notifying that the TIPS and ACESS expungement or correction are completed and provide instructions to destroy or seal any paper record.
- j. CPI Program Manager shall retain the verification in a locked administrative file. Refer to Section [1-715 D.](#), Child Protection Investigation Case Records.

### III. FORMS AND INSTRUCTIONS

There are no forms associated with this policy.

### IV. REFERENCES

Louisiana Children's Code, [Article 616.1](#)  
Louisiana Administrative Code, [Title 67, Section 1103](#)  
42 USC §5106 a. (b)(2)(B)(xv)(II) (CAPTA)  
45 CFR §1340.14 (i)