

	Agency Name	Department of Social Services (DSS)
	Chapter No./Name	DSS Policy Manual
	Part No./Name	4/Human Resources
	Section No./Name	4- 36/Criminal Background Check
	Document No./Name	4-36/Criminal Background Check
	Effective Date	01/01/10

I. STATEMENT OF POLICY

In accordance with [La. R.S. 46:51.2](#) and [La. R.S. 15:587.1](#), the department shall conduct a criminal history check for any potential or current employee whose duties include:

- the investigation of child abuse or neglect,
- supervisory or disciplinary authority over children,
- direct care to a child, or
- performance of licensing surveys.

II. APPLICABILITY

This policy shall apply to all Offices within the Department of Social Services (DSS).

III. RESPONSIBILITIES

It is the responsibility of the employing office to assure compliance with the provisions of this policy.

The immediate supervisor (or designee) of a vacant position is responsible for requesting and reviewing criminal background checks.

DSS Human Resources Division is responsible for retaining a copy of the documented criminal background checks on individuals selected for employment and for maintaining the confidentiality of these records.

IV. CRIMINAL CHECKS

An applicant for a position within the department whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care to a child, or performance of licensing surveys shall not be hired until the following conditions of employment are met and documented:

- The individual submits his fingerprints to the Louisiana [Bureau of Criminal Identification and Information](#) to facilitate a state and national criminal record's check and it is determined that the person has not been convicted of or pled nolo contendere to:
 - A crime listed in R.S. 15:587.1(C). Refer to Section V
 - A crime in a jurisdiction other than Louisiana which, in the judgment of the bureau employee charged with responsibility for responding to the request, would constitute a crime under the provisions cited in R.S. 15:587.1 C. (2), or

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- A crime under the Federal Criminal Code having analogous elements of criminal and moral turpitude
- a crime listed in R.S. 15:587.1(C). Refer to Section V.
- A check of the Louisiana State Central Registry (SCR) shows that the applicant’s name does not appear on the registry of reported abuse and neglect subsequent to January 1, 2010. Refer to DSS Policy 4-35 State Central Registry Check)
- A check of the [Louisiana State Police Sex Offender and Child Predator Registry](#) verifies that the applicant is not listed as a convicted sex offender or child predator.

During the interview process for a direct client contact position, the manager or supervisor shall inform all applicants that they must meet the above requirements before being hired for employment (refer to [DSS Policy 4-31 Conditional Offer of Employment](#)).

After an applicant has been selected, authorized for hiring by the Human Resources Division, and approved by the appointing authority, the manager or supervisor shall complete the Conditional Offer of Employment Form (Adobe Version/[Word Version](#)) and present it to the selected applicant for review and signature prior to making an official offer of employment.

The DSS Bureau of General Counsel should be contacted with questions regarding the above requirements.

V. CRIMINAL OFFENSES

The following is a listing of charges covered under the Child Protection Act, [R.S.15:587.1](#); this includes crimes of violence, sex offenses and attempt or conspiracy to commit any of these crimes.

Revised Statutes	Description of Offense
14:28.1	Solicitation for murder
14:30	First degree murder
14:30.1	Second degree murder
14:31	Manslaughter
14:34	Aggravated battery
14:34.1	Second degree battery
14:34.6	Disarming of a peace officer
14:34.7	Aggravated second degree battery
14:37	Aggravated assault
14:37.1	Assault by drive-by shooting

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14:37.2	Aggravated assault on a peace officer with a firearm
14:37.4	Aggravated assault with a firearm
14:38.1	Mingling harmful substances
14:40.2	Stalking
14:41	Rape; defined
14:42	Aggravated rape
14:42.1	Forcible rape
14:43	Simple rape
14:43.1	Sexual battery
14:43.2	Second degree sexual battery
14:43.3	Oral sexual battery
14:43.4	Repealed by acts 2001, no. 301.2
14:43.5	Intentional exposure of AIDS virus
14:44	Aggravated kidnapping
14:44.1	Second degree kidnapping
14:44.2	Aggravated kidnapping of a child
14:45	Simple kidnapping
14:51	Aggravated arson
14:55	Aggravated criminal damage to property
14:60	Aggravated burglary
14:64	Armed robbery
14:64.1	First degree robbery
14:64.2	Highway robbery (carjacking)
14:64.4	Second degree robbery
14:65	Simple robbery
14:65.1	Purse snatching
14:66	Extortion
14:74	Criminal neglect of family
14:78	Incest
14:78.1	Aggravated incest
14:79.1	Criminal abandonment
14:80	Felony carnal knowledge of a juvenile
14:80.1	Misdemeanor carnal knowledge of a juvenile
14:81	Indecent behavior with juveniles
14:81.1	Pornography involving juveniles
14:81.2	Molestation of a juvenile
14:81.3	Computer-aided solicitation of a minor
14:82	Offenses concerning prostitution
14:82.1	Prostitution; persons under seventeen; Additional offenses
14:83	Soliciting for prostitutes
14:83.1	Inciting prostitution

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14:83.2	Promoting prostitution
14:83.3	Prostitution by massage
14:83.4	Massage; sexual conduct prohibited
14:84	Pandering
14:85	Letting premises for prostitution
14:85.1	Letting premises for obscenity
14:86	Enticing persons into prostitution
14:89	Crime against nature
14:89.1	Aggravated crime against nature
14:92	Contributing to the delinquency of juveniles
14:93	Cruelty to juveniles
14:93.2.1	Child desertion
14:93.2.3	Second degree cruelty to juveniles
14:93.3	Cruelty to the infirm
14:93.5	Sexual battery to the infirm
14:94	Illegal use of weapons or dangerous instrumentalities
14:106	Obscenity
14:108.1	Aggravated flight from an officer
14:128.1	Terrorism
14:282	Operation of places of prostitution
14:283	Video voyeurism
14:283.1	Voyeurism; penalties
14:284	Peeping tom; penalty
14:286	Sale of minor children
40:966(A)	Distribution or possession with intent to distribute Schedule I drugs
40:967(A)	Same – Schedule II
40:968(A)	Same – Schedule III
40:969(A)	Same – Schedule IV
40:970(A)	Same – Schedule V

Note: [R.S. 40:963](#) establishes five schedules or listings of approximately 233 organic or chemical substances relative to the potential for abuse of the drug; consideration of accepted medical use in the U.S. and safety risk under medical supervision; and degree of physical and/or psychological dependence. [Schedule IV](#) includes opiates and derivatives, hallucinogens, depressants and stimulants, narcotic drugs, and anabolic steroids and muscle building substances.