

## State of Louisiana

Department of Social Services  
Office of Family Support  
Division of Child Care and Early Childhood Education  
Child Care Licensing and Regulatory Section

January 25, 2010

RE: State Central Registry Disclosure and  
Risk Evaluation Panel

Dear Child Care Provider,

The Louisiana Department of Social Services (DSS) is committed to ensuring protection, safety and quality care to children in licensed child care settings. In order to increase the department's ability to accomplish its mission, the Louisiana Legislature recently enacted laws which provide for State Central Registry checks for child care owners, operators, current or prospective employees, and volunteers of child care facilities licensed by DSS.

The new legislation (ACT 388) mandates that effective January 1, 2010, any owner, operator, current or prospective employee, or volunteer of a child care facility licensed by DSS is prohibited from working in a child care facility if the individual discloses, or as the result of information known or received by DSS, that the individual's name is recorded on the State Central Registry (SCR) as a perpetrator of a justified (valid) finding of abuse or neglect of a child unless there is a finding by the Risk Evaluation Panel (REP) or a ruling by the Division of Administrative Law, that the individual does not pose a risk to children.

The Risk Evaluation Panel (REP) was established by DSS to conduct risk assessments for individuals whose name appears on the SCR to determine if said individual poses a threat to children. An individual whose name appears on the SCR will not be automatically denied a position which allows access to children. Instead, the department, by way of the REP, will provide the individual with an opportunity to have evidence reviewed to determine fitness for any such position.

The SCR is a repository that identifies any individual reported to have a justified (valid) finding of abuse and/or neglect of a child or children by the Office of Community Services. The term "volunteer" is used throughout this correspondence and is referred to in ACT 388. Child day care standards define a volunteer as "non-paid staff who perform routine services for the child care center and have direct or indirect contact with children at the center."

An individual owning, operating, employed by or volunteering in a child care facility licensed by DSS prior to January 1, 2010, shall be required to complete a *State Central Registry Disclosure Form* (SCR 1) on or before February 1, 2010. Thereafter, every owner, operator, and current or prospective employee/volunteer shall be required to complete the form annually, at any time upon the request of the department, and within three (3) working days of any such individual receiving notice of a justified (valid) determination of child abuse and/or neglect.

Individuals may not be hired after December 31, 2009, until the prospective employee/volunteer completes the *State Central Registry Disclosure Form*. If the individual discloses that their name is recorded on the SCR as a perpetrator for a justified (valid) finding of abuse or neglect of a child, that individual may not be hired unless there is a finding by the Risk Evaluation Panel or a ruling by the Division of Administrative Law (DAL) that the disclosing individual does not pose a risk to children.

In summary, the new law states the following:

- The owner, operator, current or prospective employee, or volunteer of the licensed child care facility shall complete, sign and date the *State Central Registry Disclosure Form (SCR1)*. The current or prospective employee/volunteer shall submit the disclosure form to the owner or operator of the facility. The owner or operator of every child care facility licensed by DSS shall also be required to provide documentation of his or her own completed disclosure form.
- If a **prospective** employee/volunteer discloses that his or her name is currently recorded as a perpetrator on the SCR, the child care facility representative/prospective employer shall inform the applicant that they will not be considered for employment at that time due to their disclosure and the child care facility representative/prospective employer will immediately provide the prospective employee/volunteer, with the *State Central Registry Risk Evaluation Request Form*.
- Any licensed child care facility owner and any **current** employee/volunteer hired before January 1, 2010, that discloses that they have a justified (valid) finding of abuse or neglect on the SCR will have ten (10) calendar days from the date of disclosure to request a risk assessment evaluation in accordance with Louisiana Administrative Code 67:1.305 or shall be immediately terminated. **As a condition of continued employment/volunteerism at the licensed child care facility**, the employee shall be directly supervised by a paid staff person, who has not disclosed that their name appears with a justified (valid) finding on the SCR. Under no circumstances may the owner/employee/volunteer with the justified finding be left alone and unsupervised with the children pending a disposition of the Risk Evaluation Panel that they do not pose a risk to children. If the employee/volunteer requests the risk assessment evaluation as noted above and is directly supervised as noted above, the employee may be counted in the child/staff ratio. If the Risk Evaluation Panel finds that the

employee/volunteer **does pose** a risk to children and said individual chooses to appeal the finding, then the employee/volunteer must continue to have direct supervision by a paid staff person as noted above until a ruling by the Division of Administrative Law reverses the Risk Evaluation Panel's determination that they do not pose a risk to children. The above described supervision of a employee/volunteer will end if the Division of Administrative Law reverses the Risk Evaluation Panel's decision that the individual poses a risk to children. If the Division of Administrative Law upholds the Risk Evaluation Panel finding that the employee/volunteer **does pose** a risk to children, then said employee/volunteer shall be immediately terminated by the child care facility. If a facility fails to terminate any such individual then the facility's license may be revoked for failure to comply with state laws and licensing regulations.

- If an owner discloses that he or she has a justified (valid) finding of abuse or neglect on the SCR, and said owner is present in the facility during operating hours, then the owner shall be directly supervised by a paid staff person, who has not disclosed that their name appears with a justified (valid) finding on the SCR. Additionally, the owner would be entitled to the same risk assessment evaluation and appeal procedures as previously described in the paragraph above. If the REP's finding that the owner does pose a risk to children is upheld by DAL, then said owner shall have his child care license revoked immediately.
- *State Central Registry Disclosure Forms*, documentation of any disposition of the Risk Evaluation Panel and, when applicable, the Division of Administrative Law ruling, shall all be maintained in accordance with current DSS licensing requirements and be available for review by OFS Child Care Licensing and Regulatory personnel during the facility's hours of operation. The disclosure forms shall be kept on file a minimum of one year from termination of the employee/volunteer from the center.
- Any information received or knowledge acquired that a current owner, operator, volunteer, employee or prospective employee/volunteer has ***knowingly*** falsified any of the information on their *State Central Registry Disclosure Form* shall be reported in writing to a Child Care Licensing Manager at the Department of Social Services, Office of Family Support, Child Care Licensing and Regulatory Section as soon as possible, but no later than the close of business on the next working day.
- All completed State Central Registry Disclosure Forms, risk evaluation panel findings and Division of Administrative Law rulings that are maintained in a child care facility licensing file shall be confidential and subject to the confidentiality provisions of R.S. 46:56(F) pertaining to the investigations of abuse and/or neglect.
- Violations of any of the aforementioned provisions will result in licensing enforcement actions up to and including revocation of the license to operate.

To assist your facility in achieving sustained compliance with the provisions of this law, the following is a detailed guide to the state central registry and risk evaluation panel process for child care facilities:

<b>Licensed Child Care Facility <u>Current</u> Owner, Operator, Employee/Volunteer</b>	
<b>Steps</b>	<b>Action</b>
1.	Current owner, operator, employee/volunteer shall complete a <i>State Central Registry Disclosure Form (SCR 1)</i> prior to February 1, 2010.
2.	If the completed SCR 1 form notes that the individual does not have a justified (valid) finding of child abuse and/or neglect then the form is maintained at the child care facility. This form shall be kept confidential and available upon request to child care licensing staff.
3.	If the completed SCR 1 form notes that the current owner, operator, employee/volunteer disclosed his/her name is on the State Central Register (SCR) as a perpetrator of child abuse and/or neglect, then the form shall be kept confidential and available upon request to child care licensing staff.
4.	Upon receiving a completed SCR 1 form which indicates that the employee/volunteer disclosed that his/her name is on the State Central Register (SCR) as a perpetrator of child abuse and/or neglect, the child care facility owner/operator shall immediately notify the employee/volunteer of the right to a risk evaluation panel assessment.
5.	The owner, operator, employee/volunteer shall request a risk evaluation panel assessment by completing and submitting the SCR 2 form within ten (10) calendar days from date of disclosure, or shall be immediately terminated. (The request will include submitting all requested documents to DSS/OCS within the 10 day timeframe.)
6.	The owner, operator, employee/volunteer who requests the risk evaluation panel assessment shall be immediately placed under direct supervision of a paid staff person who did not disclose that their name is on the SCR pending the final disposition rendered by the risk evaluation panel. Under no circumstances will the employee/volunteer have unsupervised access and/or contact with children in the facility.
7.	When the Risk Evaluation Panel Coordinator receives the written request for a risk evaluation via a completed <i>State Central Registry Risk Evaluation Request</i> (form SCR 2) from the owner, operator, current employee/volunteer within the ten day timeframe, then said owner, operator, employee/volunteer will receive an expedited risk evaluation panel assessment. A letter will be sent to the individual requesting the assessment confirming receipt of the request and shall be kept confidential and available upon request to child care licensing staff.
8.	The Risk Evaluation Panel (REP) shall make a risk determination: <ul style="list-style-type: none"> <li>• If it is determined that the owner, operator, employee/volunteer does <b>not</b> pose a risk to children, the owner, operator, employee/volunteer may remain employed and the provision for supervision by the paid staff person will be lifted. The risk evaluation panel determination letter shall</li> </ul>

**Licensed Child Care Facility Current Owner, Operator, Employee/Volunteer**

Steps	Action
	<p>be kept confidential and available upon request to child care licensing staff. A copy of the REP's determination will be mailed to the owner of the child care facility.</p> <ul style="list-style-type: none"> <li>• If it is determined that the owner, operator, employee/volunteer <b><u>does</u></b> pose a risk to children and <b>if</b> the owner, operator, employee/volunteer files a timely appeal, the owner, operator, employee/volunteer may be allowed to continue work pending final disposition of the appeal; however the owner, operator, employee/volunteer shall continue to remain under direct supervision as described above until the appeal determination by the Division of Administrative Law is finalized. The risk evaluation panel determination letter shall be kept confidential and available upon request to child care licensing staff.</li> </ul>
9.	<p>A notice of the appeal decision from the Division of Administrative Law (DAL) will be sent via certified mail to the appealing owner, operator, employee, or volunteer:</p> <ul style="list-style-type: none"> <li>• If the DAL reverses the REP's finding that the owner, operator, employee/volunteer does pose a risk to children, the owner, operator, employee or volunteer may remain employed and the provision for supervision by the other paid staff person shall be lifted. The Division of Administrative Law determination letter shall be kept confidential and available upon request to child care licensing staff.</li> <li>• If the DAL upholds the REP's finding that that the <i>operator, employee or volunteer</i> <b><u>does</u></b> pose a risk to children, the operator, employee or volunteer shall be immediately terminated. Upon receipt of written notification of the decision from the DAL, the operator, employee or volunteer has thirty (30) days to file a judicial appeal. The DAL determination letter shall be kept confidential and available upon request to child care licensing staff. The individual may not continue to work/volunteer in the child care facility. The operator, employee or volunteer will be prohibited from requesting a subsequent risk evaluation panel assessment for a period of 24 months from the date of the initial request for a risk evaluation panel assessment.</li> <li>• If the DAL upholds the REP's finding that the <i>owner</i> does pose a risk to children, then the owner's child care license will be revoked. Upon receipt of written notification of the decision from the DAL upholding the REP's finding, the owner will have thirty (30) days to file a judicial appeal in that matter. The DAL determination letter shall be kept confidential and available upon request to child care licensing staff. The owner will be prohibited from requesting a subsequent risk evaluation panel assessment for a period of 24 months from the date of the initial request for a risk evaluation panel assessment.</li> </ul>

**Licensed Child Care Facility Prospective Employees/Volunteers**

Steps	Actions
1.	After January 1, 2010, all <b>prospective</b> employees/volunteers shall complete a <i>State Central Registry Disclosure Form</i> (SCR 1) prior to being hired.
2.	If the completed SCR 1 form notes that the individual does not have a justified (valid) finding of child abuse and/or neglect, then the form is maintained at the child care facility. The individual may be hired and the form shall be kept confidential and available upon request to child care licensing staff.
3.	If the completed SCR 1 form indicates that the prospective employee/volunteer disclosed that his/her name is on the State Central Register (SCR) as a perpetrator of child abuse and/or neglect, then the SCR 1 form shall be kept confidential and available upon request to child care licensing staff. The prospective employer will inform the applicant that they will not be considered for employment/volunteer services at this time due to SCR disclosure. Prospective employer provides the prospective employee/volunteer with the <i>State Central Registry Risk Evaluation Request</i> form (SCR 2). The prospective employer signs and dates the forms to verify that the individual is a prospective employee/volunteer.
4.	The prospective employee/volunteer may submit the SCR 1 and SCR 2 forms and supporting documents to Department of Social Services Risk Evaluation Panel Coordinator requesting a risk assessment evaluation. The prospective employee/volunteer will have 10 days to request a risk assessment evaluation after the application for employment.
5.	<p>The REP coordinator will check the SCR to determine if the applicant's name is on the SCR as a perpetrator:</p> <ul style="list-style-type: none"> <li>• If the name is <b>not</b> on the SCR, the coordinator will notify the prospective employee/volunteer via certified letter.</li> <li>• If the individual's name is on the SCR, the individual will be notified via certified letter that an assessment will be conducted.</li> <li>• If the individual is not eligible for an assessment due to a previous assessment within the last 24 months, the individual will be notified via certified letter.</li> </ul>
6.	<p>The Risk Evaluation Panel (REP) shall make a risk determination:</p> <ul style="list-style-type: none"> <li>• If it is determined that the prospective employee/volunteer does <b>not</b> pose a risk to children, the individual may be hired. The REP determination letter shall be kept confidential and available upon request to child care licensing staff.</li> <li>• If it is determined that the prospective employee/volunteer <b>does</b> pose a risk to children; the individual may request an appeal. The individual may not be considered for employment until and if a decision has been rendered by the Division of Administrative Law to reverse the finding of the REP that the prospective employee/volunteer does pose a risk to children.</li> </ul>

7.	<p>A notice of the appeal decision from the Division of Administrative Law (DAL) will be sent via certified mail to the prospective employee/volunteer:</p> <ul style="list-style-type: none"><li>• If the DAL reverses the decision by the REP that the prospective employee/volunteer <b>does</b> pose a risk to children, the individual may be hired. The DAL determination letter shall be kept confidential and available upon request to child care licensing staff.</li><li>• If the DAL upholds the REP decision that the prospective employee/volunteer <b>does</b> pose a risk to children, the individual may not be considered for employment. Upon receipt of written notification of the decision from the DAL, the prospective employee/volunteer has thirty (30) days to file a judicial appeal.</li></ul>
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The health and safety of children placed in licensed child care facilities is of paramount concern to the Department of Social Services and we believe that the provisions listed above will enable you to make informed personnel decisions that will advance the overall care of the children you serve. Licensing specialists are available to assist you in identifying strategies to improve compliance with this and all licensing requirements.

The forms referred to above may be found at the following link beginning January 25, 2010 [www.dss.louisiana.gov/childcareupdates](http://www.dss.louisiana.gov/childcareupdates).

If you have questions or need more information, please contact a Child Care Licensing Manager at (225) 342-9905. For more information on DSS' reform efforts in the advancement of child care licensing and the quality of care for children, visit [www.dss.louisiana.gov](http://www.dss.louisiana.gov).

Sincerely,

Angie Badeaux, Director