



Report Highlights

State Central Registry: Comparison of Selected Processes to Other States

Department of Children and Family Services

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Why We Conducted This Comparison

The Louisiana Children’s Code requires the Department of Children and Family Services (DCFS) to maintain a State Central Registry (SCR) that tracks perpetrators of certain valid findings of child abuse and/or neglect (abuse/neglect) based on DCFS Child Protective Services (CPS) investigations. Federal legislation in 2014 and 2018 required all states to perform registry “clearances” (i.e., checks used to determine if individuals are on a registry) on staff of child care providers and institutions, potentially impacting the employability of individuals on state registries. Pursuant to a legislative request, we compiled information on processes that DCFS and other states use to determine whether findings of abuse/neglect are valid, how individuals are notified that they will be added to their registries due to valid findings, and how individuals can appeal agency findings.

What We Found

Overall, we found the following:

- **While 14 (82.4%) of 17 other surveyed states require a preponderance of evidence to determine that an abuse/neglect allegation is valid, Louisiana and three (17.6%) surveyed states require a lower level of evidence to support agency findings.** In appeal hearings, DCFS is required to show by a preponderance of evidence that policy criteria were met for each allegation determined valid; however, during calendar years 2019 through 2021, the majority of investigations with valid findings did not have an appeal hearing for an administrative law judge to review DCFS’ evidence and determinations based on the preponderance standard. The exhibit below summarizes the number of CPS investigations that resulted in valid findings and the number of closed appeal decisions during calendar years 2019 through 2021.

Number of DCFS Child Abuse/Neglect Investigations with Valid Findings* and Appeals Closed Calendar Years 2019 through 2021						
Year	Number of Investigations	Number with Valid Findings*	Percent with Valid Findings	Number of Appeals	Number Overturned	Percent Overturned
2019	19,983	5,288	26.5%	655	209	31.9%
2020	15,200	4,526	29.8%	429	97	22.6%
2021	16,120	4,790	29.7%	417	120	28.8%
Total	51,303	14,604	28.5%	1,501	426	28.4%

*Only includes valid findings assigned to tiers based on their severity that require addition to the SCR (tiers 1 through 3). During this timeframe, there were a total of 15,547 valid findings assigned to all tiers.
Source: Prepared by legislative auditor’s staff using data provided by DCFS.

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What We Found

- To account for the varying nature and severity of valid abuse/neglect findings, Louisiana and seven (41.2%) other surveyed states limit the types of findings that result in addition to their registries and/or reduce the time individuals with less severe findings stay on their registries.
- To help ensure that individuals receive notification letters about being added to their state's registry and their appeal rights, 10 (58.8%) of the 17 surveyed states use certified mail, often in combination with other verifiable delivery methods or contingency procedures when a letter cannot be delivered. DCFS sends notification letters by regular mail, which does not provide verification of delivery. If an individual does not receive the notification letter, they may never know that they are on a registry unless a clearance is run related to their employment, volunteer work, adoption, etc.
- Some states' notification letters help ensure that individuals understand appeal processes and the impact of being added to their registries by providing a greater level of detail, explaining legal citations, and/or including additional resources. Act 535 of the 2022 Regular Legislative Session amended the Children's Code to require DCFS to send a notification letter "written in clear, concise, and understandable language" containing specific elements, effective August 1, 2022 (see text box at right).
- DCFS' deadline of 20 business days for filing appeals is comparable to other states, but some states are more flexible in enforcing these deadlines.
- Louisiana and all but one surveyed state have administrative appeal processes, but Louisiana and some other states' processes include one or more features that strengthen individuals' due process protections, such as delaying registry placement until appeal rights are exhausted, having hearings overseen by external parties, and reversing valid findings based on court rulings in related cases.
- Louisiana and some surveyed states have additional processes available to remove individuals from their registries and/or review individuals' fitness to work in otherwise prohibited professions after appeal rights are exhausted to limit the impact on individuals' employability if they no longer pose a risk to children.

Information Required to be Included in DCFS Notification Letters as of August 2022

- Explanation of validity determination
- Explanation of consequences of determination
- Right to administrative appeal
- Specific procedure for requesting appeal, including deadline
- Contact information of department representative who can provide more information

Source: Act 535 of the 2022 Regular Legislative Session

Informational reports are intended to provide more timely information than standards-based performance audits. While these informational reports do not follow *Governmental Auditing Standards*, we conduct quality assurance activities to ensure the information presented is accurate. We met with DCFS and incorporated its feedback throughout this informational report.

View the full report at www.la.la.gov.