

DECLARATION OF EMERGENCY

Department of Children and Family Services Child Support Enforcement

Criminal History Records Checks for Access
to Federal Tax Information (LAC 67:I.205)

The Department of Children and Family Services (DCFS), Child Support Enforcement, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:I, Chapter 2 Criminal Background and State Central Registry Checks, Section 205 Criminal History Records Checks for Access to Federal Tax Information. This emergency rule shall be effective October 1, 2022, and shall remain in effect for a period of 180 days.

Pursuant to IRS statute 26 USCS 6103(p)(4) and its supplemental publication 1075, the department must conduct fingerprinting, along with national, state and local criminal history record checks on all individuals handling and those who may handle Federal Tax Information (FTI). The criminal history record checks are used to determine the suitability of individuals to access FTI in performance of their job duties or services for the department. Section 205 is being amended to allow the department the immediate authority to terminate or remove current employees who are determined FTI unsuitable.

The department considers emergency action necessary to ensure continued compliance with federal regulations and to avoid federal penalties and sanctions that could be imposed by the Administration for Children and Families, Office of Child Support Enforcement, the governing authority of the Support Enforcement Program in Louisiana.

Title 67

SOCIAL SERVICES

Part I. General Administration

Chapter 2. Criminal Background and State Central Registry Checks

§205. Criminal History Records Checks for Access to Federal Tax Information

A. - F.1.c. ...

2. If a current or prospective employee, contractor or subcontractor has been deemed FTI unsuitable, the department will exercise one or more of the options below:

a. access or use of FTI will immediately be denied, suspended or prevented;

b. the job offer may be rescinded;

c. the contract may be terminated;

d. the contractor or subcontractor's employee may be removed or prohibited from performing work on the contract; or

e. current employee may be terminated and/or removed from employment.

F.3. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with Act 147 of the 2017 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Child Support Enforcement Section, LR 45:651 (May 2019), LR 46:1543 (November 2020), LR 48:

Marketa Garner Walters
Secretary