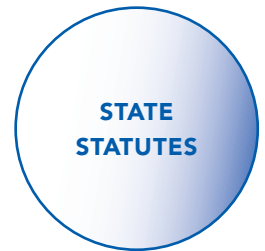




Child Welfare Information Gateway

PROTECTING CHILDREN ■ STRENGTHENING FAMILIES



Current Through
June 2011

Establishment and Maintenance of Central Registries for Child Abuse Reports

Every State has procedures for maintaining records of child abuse and neglect. Most States maintain a central registry, which is a centralized database of child abuse and neglect investigation records. Approximately 40 States, the District of Columbia, American Samoa, Guam, and Puerto Rico require central registries in statute.¹ Registries

¹ The word *approximately* is used to stress the fact that States frequently amend their laws. This information is current through June 2011. States that mandate a central registry in their statutes include Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, and Wyoming.

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Purpose of Central Registries

in other States, however, may be maintained as a matter of administrative or agency policy rather than statutory mandate and are beyond the scope of this publication.²

In approximately six States, the statutes do not authorize statewide, centralized registries.³ In these States, the individual State agencies that received the reports of suspected abuse or neglect are required to maintain these records. Four States, the Northern Mariana Islands, and the U.S. Virgin Islands do not address the issue of central registries in their statutes.⁴

Central registries and the systematic record keeping of child abuse and neglect reports serve to assist in the identification and protection of abused and neglected children. Central registry reports are typically used to aid social services agencies in the investigation, treatment, and prevention of child abuse cases and to maintain statistical information for staffing and funding purposes.

In many States, central registry records are used to screen persons who will be entrusted with the care of children. Approximately 31 States and the District of Columbia allow or require a check of central registry or department records for individuals applying to be child or youth care providers.⁵ Information is made available to employers in the child care business, schools, or health-care industry. Most States also require a check of central registry records as part of the background check for foster and adoptive parent applicants.⁶

² For information on State registries, see Chapter 4 of the April 2003 *National Study of Child Protective Services Systems and Reform Efforts: Review of State CPS Policy* by the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, and Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau: <http://aspe.hhs.gov/hsp/CPS-status03/state-policy03/chapter4.htm>

³ Colorado, Maine, Minnesota, Washington, West Virginia, and Wisconsin.

⁴ Kansas, Kentucky, New Mexico, and Ohio.

⁵ Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, and Wyoming. See Information Gateway's *Disclosure of Confidential Child Abuse and Neglect Records*: http://www.childwelfare.gov/systemwide/laws_policies/statutes/confide.cfm

⁶ For more information on requirements to obtain central registry clearances for prospective foster and adoptive parents, see Information Gateway's *Criminal Background Checks for Prospective Foster and Adoptive Parents*: http://www.childwelfare.gov/systemwide/laws_policies/statutes/background.cfm

Contents and Maintenance

The type of information contained in central registries and department records varies from State to State but usually includes the child's name and address; the name of the mother, father, or guardian; the name of any siblings; the nature of the harm to the child; the name of the alleged perpetrator(s); and the findings of any investigations. Some States maintain all investigated reports of abuse and neglect in their central registries, while others maintain only substantiated reports. Access to information maintained in registries and department records also varies among States.⁷ In addition, the length of time the information is held and the conditions for expunction vary from State to State.⁸

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

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⁷ See Information Gateway's *Disclosure of Confidential Child Abuse and Neglect Records*: http://www.childwelfare.gov/systemwide/laws_policies/statutes/confide.cfm

⁸ See Information Gateway's *Review and Expunction of Central Registries and Reporting Records*: http://www.childwelfare.gov/systemwide/laws_policies/statutes/registry.cfm

Alabama

Establishment

Ala. Code § 26-14-8

The Department of Human Resources shall establish a statewide central registry.

Purpose

Ala. Code § 26-14-8

The purpose of the central registry is to:

- Contain reports of child abuse and neglect
- Prevent or to discover abuse or neglect of children through the information contained therein

Reports or records in cases determined to be 'not indicated' shall not be used or disclosed for purposes of employment or other background checks.

Contents

Ala. Code § 26-14-8

The central registry shall contain:

- All information in any written reports
- The record of the final disposition of the report, including services offered and services accepted
- The plan for rehabilitative treatment
- The names of persons requesting information from the registry

Maintenance

Ala. Code § 26-14-8

Requests for information where no report exists may be destroyed 3 years from the date of the request.

Alaska

Establishment

Alaska Stat. § 47.17.040(a)

The Department of Health and Social Services shall maintain a central registry.

Purpose

Alaska Stat. § 47.17.040(b)

In accordance with department regulations, investigation reports may be used by appropriate governmental agencies with child-protection functions, inside and outside the State, in connection with investigations or judicial proceedings involving child abuse, neglect, or custody.

Contents

Alaska Stat. § 47.17.040(a)

The registry shall contain all investigation reports but not the reports of harm.

Maintenance

The registry shall contain all investigation reports but not the reports of harm.

American Samoa

Establishment

Ann. Code § 45.2020

A central registry is established within the Child Protection Agency of the Department of Human Resources.

Purpose

Ann. Code § 45.2021

Reports in the registry are used to determine the existence of prior records in order to evaluate the circumstances of the child.

Contents

Ann. Code § 45.2022

The registry shall contain:

- All information in the written reports
- The final disposition of the report, including services offered and services accepted
- The plan for rehabilitative treatment
- The names of persons requesting information from the registry

Maintenance

The registry shall contain all investigation reports but not the reports of harm.

Arizona

Establishment

Rev. Stat. § 8-804(A)

The Department of Economic Security shall maintain a central registry.

Purpose

Rev. Stat. §§ 8-804; 8-804.01

The records in the registry may be used:

- To conduct background checks as one factor to determine qualifications for foster home licensing, adoptive parent certification, child care home certification, registration of unregulated child care homes with the child care resource and referral system, and home and community-based services certification for services to children
- To conduct background checks as one factor to determine qualifications for persons applying for employment in positions that provide direct service to children or vulnerable adults
- To identify and review reports concerning individual children and families, in order to facilitate the assessment of risk
- To determine the nature and scope of child abuse and neglect in this State and to provide statewide statistical and demographic information concerning trends in child abuse and neglect
- To allow comparisons of this State's statistical data with national data
- To comply with § 8-804.01(B), which allows use of the records:
 - » To assess the safety and risk to a child
 - » To determine placement
 - » To determine type and level of services
 - » To assist in a criminal investigation
 - » To meet Federal and State reporting requirements

Contents**Rev. Stat. § 8-804(A)-(B)**

A finding made by a court pursuant to § 8-844(C) that a child is dependent based upon an allegation of abuse or neglect shall be recorded as a substantiated finding of abuse or neglect. The registry will maintain reports of child abuse and neglect that are substantiated and the outcome of investigations.

Maintenance**Rev. Stat. §§ 8-804; 8-804.01**

If the department received a report before September 1, 1999, and determined that the report was substantiated, the department shall maintain the report in the central registry until 18 years from the child victim's date of birth.

If the department received a report on or after September 1, 1999, and determined that the report was substantiated, the department shall maintain the report in the central registry for 25 years after the date of the report.

All reports of child abuse and neglect and related records shall be maintained in the department's case management information system in accordance with the timeframes established in the department's records retention schedule.

Arkansas**Establishment****Ann. Code § 12-18-901**

There is established within the Department of Human Services a statewide Child Maltreatment Central Registry.

Purpose

This issue is not addressed in the statutes reviewed.

Contents**Ann. Code §§ 12-18-902; 15-18-906**

The Child Maltreatment Central Registry shall contain records of cases on all true investigative determinations of child maltreatment. Records of all cases in which allegations are determined to be unsubstantiated shall not be included in the central registry.

Maintenance**Ann. Code §§ 12-18-908; 12-18-910**

If an adult offender is found guilty of, pleads guilty to, or pleads nolo contendere to an act that is the same act for which the offender is named in the central registry, regardless of any subsequent expunction of the offense from the offender's criminal record, the offender shall always remain in the central registry, unless the conviction is reversed or vacated.

Hard copy records of unsubstantiated reports shall be retained no longer than 18 months for purposes of audit.

Information included in the automated data system shall be retained indefinitely to assist in future risk and safety assessment.

California

Establishment

Penal Code § 11170

The Department of Justice shall maintain an index of all reports of child abuse and severe neglect submitted pursuant to § 11169.

Purpose

Penal Code § 11170

Information from the Child Abuse Central Index shall be provided to specific persons or agencies for the following purposes:

- For investigating a case of known or suspected child abuse or neglect
- For conducting background checks of employment or volunteer candidates
- For placing children or assessing the possible placement of children
- For conducting a background investigation of an applicant seeking employment as a peace officer
- For conducting a background investigation of an applicant seeking employment or volunteer status in a position that will give the person direct contact with children

Contents

Penal Code §§ 11167; 11169

Reports of suspected child abuse or neglect pursuant to § 11166 or § 11166.05 shall include the name, business address, and telephone number of the mandated reporter; the capacity that makes the person a mandated reporter; and the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information.

The report shall include the following information, if known:

- The child's name
- The child's address, present location, and, if applicable, school, grade, and class
- The names, addresses, and telephone numbers of the child's parents or guardians
- The name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child

An agency shall forward to the Department of Justice a report in writing of every case it investigates of known or suspected child abuse or severe neglect that is determined not to be unfounded. An agency shall not forward a report to the Department of Justice unless it has conducted an active investigation and determined that the report is not unfounded.

Maintenance

Penal Code § 11170

The index shall be continually updated by the department and shall not contain any reports that are determined to be unfounded. The department may adopt rules governing recordkeeping and reporting pursuant to this article.

The Department of Justice shall act only as a repository of reports of suspected child abuse and severe neglect to be maintained in the Child Abuse Central Index. The submitting agencies are responsible for the accuracy, completeness, and retention of the reports described in this section. The department shall be responsible for ensuring that the Child Abuse Central Index accurately reflects the report it receives from the submitting agency.

Colorado

Establishment

Rev. Stat. § 19-3-313.5

Effective January 1, 2004, Colorado repealed its law providing for a central registry.

The State Department [of Social Services] shall maintain the records and reports of child abuse and neglect.

Purpose

Rev. Stat. § 19-3-313.5

Records or reports may be used for purposes of employment checks or other background checks unless it is determined that a report is to be unsubstantiated or false.

The State Department may maintain such records and reports in case files for assisting in determinations of future risk and safety assessments.

Contents

Rev. Stat. § 19-3-313.5

The State Department shall provide reliable, accurate, and timely information concerning records and reports of child abuse or neglect.

Maintenance

Rev. Stat. § 19-3-313.5

The State Department shall provide training to county departments to achieve consistency and standardization in entering data into computer systems maintaining information related to records and reports of child abuse or neglect.

Connecticut

Establishment

Gen Stat. § 17a-101k

The Commissioner of Children and Families shall maintain a registry of the Commissioner's findings of abuse or neglect of children.

Purpose

Gen Stat. § 17a-101k

Regulations shall be adopted that shall provide for the use of the registry on a 24-hour basis to prevent or discover abuse of children.

Contents

Gen Stat. § 17a-101k

The Commissioner shall adopt regulations that implement the provisions of this section.

Maintenance

Gen Stat. § 17a-101k

The Commissioner shall establish a hearing process for any appeal by a person of a determination that a person is responsible for the abuse of a child.

Delaware

Establishment

Ann. Code Tit. 16, § 921

The Division of Family Services shall maintain a Child Protection Registry.

Purpose

Ann. Code Tit. 16, § 921

The primary purpose of the registry is to protect children and to ensure the safety of children in child care, health-care, and public educational facilities.

Contents

Ann. Code Tit. 16, § 921

The registry will contain information about persons who have been substantiated for abuse or neglect as provided in this subchapter or who were substantiated between August 1, 1994, and February 1, 2003.

Maintenance

Ann. Code Tit. 16, § 922

The registry must indicate 'substantiated for abuse' or 'substantiated for neglect' and the Child Protection Level as designated in § 923 for any person who:

- Based on the same incident of abuse or neglect on which the substantiation proceeding is premised, has been convicted of any criminal offense set out in § 923 of this subchapter or any equivalent offense in another State
- Has been found by the family court in a child welfare proceeding, by a preponderance of the evidence, to have abused or neglected a child
- Fails to make a timely, written request for a hearing as provided in § 924(a)(2) after being given notice by the division of its intent to substantiate the person for abuse or neglect and enter the person on the registry
- Is entered on the registry by court order in a proceeding on a Petition for Substantiation
- Was substantiated for abuse or neglect between August 1, 1994, and February 1, 2003

District of Columbia

Establishment

Ann. Code § 4-1302.01

The Child and Family Services Agency shall maintain a Child Protection Register.

Purpose

Ann. Code § 4-1302.01

The purposes of the register are to:

- Maintain a confidential index of cases of abused or neglected children
- Assist in identification and treatment of abused and neglected children and their families
- Serve as a resource for the evaluation, management, and planning of programs and services for abused and neglected children

Contents**Ann. Code § 4-1302.02**

The register shall retain the following information about each substantiated and inconclusive report:

- The recipient of the report
- The date and time of the receipt of the report
- The information required by § 4-1321.03
- The ward in which the child lives and other demographic information concerning the incident
- The agencies to which the report was referred and the date and time of the referral
- The agency making the initial investigation, the summary of the results of the initial investigation, and the dates and the times the investigations were begun and terminated
- The agency making the social investigation, the summary of the results of the social investigation, the dates and the times said investigation was begun and terminated, the services offered, and when they were offered
- The agency or agencies to which the referrals were made and the services requested, with the dates of the opening and the closing of the case
- The placements of the child and the dates of each placement
- Court actions concerning the child and the dates thereof
- The date the case was closed
- Other information required for research, planning, evaluation, and management purposes

Maintenance**Ann. Code § 4-1302.02**

The staff that maintains the register shall review all open cases every 6 months to assure that information is current.

Florida**Establishment****Ann. Stat. § 39.201**

The Department of Children and Family Services shall establish and maintain a central abuse hotline to receive all reports made pursuant to this section in writing, via fax, via web-based reporting, or through a single statewide toll-free telephone number, which any person may use to report known or suspected child abuse, abandonment, or neglect at any hour of the day or night, any day of the week.

Purpose**Ann. Stat. § 39.201**

The central abuse hotline shall be operated in such a manner as to enable the department to:

- Immediately identify and locate prior reports or cases of child abuse, abandonment, or neglect through utilization of the department's automated tracking system
- Monitor and evaluate the effectiveness of the department's program for reporting and investigating suspected abuse, abandonment, or neglect of children through the development and analysis of statistical as well as other information
- Track critical steps in the investigative process to ensure compliance with all requirements for any report of abuse, abandonment, or neglect
- Maintain and produce aggregate statistical reports monitoring patterns of child abuse, child abandonment, and child neglect
- Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse, abandonment, or neglect
- Initiate and enter into agreements with other States for the purpose of gathering and sharing information contained in reports on child maltreatment to further enhance programs for the protection of children

Contents**Ann. Stat. § 39.201**

The department shall voice-record all incoming or outgoing calls that are received or placed by the central abuse hotline that relate to suspected or known child abuse, neglect, or abandonment. The department shall maintain an electronic copy of each fax and web-based report. The recording or electronic copy of each fax and web-based report shall become a part of the record of the report.

Maintenance**Ann. Stat. § 39.202**

The department shall make and keep reports and records of all cases under this chapter and shall preserve the records pertaining to a child and family until the child who is the subject of the record is age 30, and the department may then destroy the records.

Georgia**Establishment****Ann. Code § 49-5-181**

The Division of Family and Children Services shall establish and maintain a central registry.

Purpose**Ann. Code § 49-5-182**

The registry shall enable abuse investigators to:

- Immediately identify and locate prior reports of child abuse
- Maintain and produce aggregate statistical data of reported cases of child abuse

Contents**Ann. Code §§ 49-5-181; 49-5-183**

The central registry shall receive all information regarding confirmed and unconfirmed cases of child abuse reported to the division.

The abuse investigator shall make a report that shall include:

- The name, age, sex, race, Social Security number if known, and the birth date of the alleged child victim and the child's parents or caregiver
- The name, age, sex, race, Social Security number, and birth date of the person believed to have committed the abuse
- A summary of known details of the child abuse

Maintenance**Ann. Code § 49-5-184**

The division shall include on the abuse registry the name of the alleged abuser, whether the report was confirmed or unconfirmed, and the investigator's report.

Guam

Establishment

Ann. Code Tit. 19, § 13208

There shall be established in Child Protective Services:

- An active file of reports under investigation
- A central register of child abuse and neglect
- A 'suspected' file (for cases where an investigation is not able to determine whether a report is indicated, substantiated, or unsubstantiated)

Purpose

This issue is not addressed in the statutes reviewed.

Contents

Ann. Code Tit. 19, § 13208

The central register shall consist of substantiated and indicated reports of abuse or neglect. It shall be limited to the following information:

- The names and home addresses of the subjects of the reports
- The dates and nature and extent of the suspected abuse
- The age and sex of the children harmed or threatened with harm
- The locality in which the harm or threatened harm occurred
- Whether the report was classified as substantiated or indicated
- The progress of any legal proceedings brought on the basis of the report

Maintenance

Ann. Code Tit. 19, § 13208

If an investigation of a report of suspected child abuse or neglect does not determine, within 60 days from the date of the report, that the report is an indicated report, substantiated report, or an unsubstantiated report, all information identifying the subjects of such report shall be placed in the Child Protective Services' suspected file for a period of 1 year.

Hawaii

Establishment

Rev. Stat. § 350-2(d)

The Department of Human Services shall maintain a central registry.

Purpose

This issue is not addressed in the statutes reviewed.

Contents

Rev. Stat. § 350-2(d)

It shall be a registry of reported child abuse or neglect cases.

Maintenance

Rev. Stat. § 350-2(d)

The department may retain records and information of alleged abuse or neglect with respect to a child who is the subject of the alleged abuse. Reports of cases that are found to be unsubstantiated or are dismissed by a court shall be promptly expunged.

Idaho

Establishment

Idaho Code § 16-1629(3)

The Department of Health and Welfare shall be required to maintain a central registry.

Purpose

Idaho Code § 16-1629(3)

The registry shall be maintained for the reporting of child neglect, abuse, and abandonment information.

Contents

Idaho Code § 16-1629(6)

The department shall keep written records of investigations, evaluations, prognoses, and all orders concerning disposition or treatment.

Maintenance

Idaho Code § 16-1629(6)

The department shall keep the records of every person over whom it has legal custody.

Illinois

Establishment

Comp. Stat. Ch. 325, § 5/7.7

There shall be a central register of all cases of suspected child abuse or neglect maintained by the Department of Children and Family Services.

Purpose

Comp. Stat. Ch. 325, § 5/7.7

The register shall enable the department to:

- Immediately identify and locate prior reports of child abuse or neglect
- Continuously monitor the current status of all reports
- Regularly evaluate the effectiveness of laws and programs through the development and analysis of statistical and other information

Contents

Comp. Stat. Ch. 325, §§ 5/7.7; 5/7.8; 5/7.15

The central register shall record all initial, preliminary, and final reports. The names and other identifying data and the dates and the circumstances of any persons requesting or receiving information from the central register shall be entered in the register record.

The central register may contain such other information that the department determines to be in furtherance of the purposes of this Act.

Maintenance**Comp. Stat. Ch. 325, §§ 5/7.7; 5/7.15**

The department shall maintain in the central register:

- A listing of unfounded reports where the subject of the unfounded report requests that the record not be expunged because the subject alleges an intentional false report was made
- A listing of unfounded reports where the report was classified as a priority 1 or priority 2 report in accordance with the department's rules, or the report was made by a mandated reporter
- A listing for 3 years of unfounded reports involving the death, sexual abuse, or serious physical injury of a child
- All other unfounded reports for 12 months following the date of the final finding

The department may amend or remove from the central register appropriate records upon good cause shown and upon notice to the subjects of the report and the Child Protective Service Unit.

Indiana**Establishment****Ann. Code § 31-33-26-2**

The Department of Child Services shall establish and maintain a centralized, computerized child protection index to organize and access data regarding substantiated reports of child abuse and neglect that the department receives from throughout Indiana.

Purpose**Ann. Code §§ 31-33-26-3; 31-33-26-10**

The index must include:

- Automated risk assessment for reviewing a substantiated child abuse or neglect case to determine prior case history
- The capability to allow supervisors to monitor child abuse and neglect cases and reports
- The automated production of standard reports that compiles information gathered on forms used by family case managers to report on child abuse and neglect cases
- The automation of other data for planning and evaluation
- The capability of same-day notification and transfer of statistical information to the department regarding new and closed child abuse and neglect cases
- The enabling of child welfare supervisors to review a child abuse or neglect determination at any point after the assessment is initially classified as substantiated, to confirm the status of the case, and to allow for the consolidated management of cases
- The capability for adjusting the index's programming at a later date if additional reporting requirements occur
- A word processing capability to allow case notes to be recorded with each substantiated case

The department shall administer the index in a manner that enables the department to do the following:

- Immediately identify and locate prior reports of child abuse or neglect through the use of the department's computerized tracking system and automated risk assessment system
- Track steps in the investigative process to ensure compliance with all requirements for a report of child abuse or neglect
- Maintain and produce aggregate statistical reports monitoring patterns of child abuse and neglect that the department shall make available to the public upon request
- Serve as a resource for the evaluation, management, and planning of preventive and remedial services to children who have been subject to child abuse or neglect

Contents**Ann. Code § 31-33-26-6**

The department shall store data regarding child abuse or neglect reports in a manner that allows the data to be retrieved based on the following, if known:

- The child's name
- The child's date of birth
- The alleged perpetrator's name
- The child's mother's name
- The child's father's name
- The name of a sibling of the child
- The name of the child's guardian or custodian, if applicable

Maintenance**Ann. Code § 31-33-26-18**

The department shall maintain and administer all reports and documents transferred to and included in the child protection index as provided in this chapter.

Iowa**Establishment****Ann. Stat. § 235A.14**

There is created within the State Department of Human Services a central registry for child abuse information.

Purpose**Ann. Stat. § 235A.14**

The registry shall collect, maintain, and disseminate child abuse information.

Contents**Ann. Stat. § 235A.14**

The registry shall:

- Accept reports of suspected child abuse or neglect
- Maintain records of any previous reports of abuse or neglect of the same child or another child in the same family
- Include report data and disposition data

The registry shall not include assessment data.

Maintenance**Ann. Stat. § 235A.14**

The department shall organize and staff the registry and adopt rules for its operation.

Kansas**Establishment**

Note: Ann. Stat. § 38-1520, establishing a child in need of care information system, was repealed by 2006 Kan. Sess. Laws 200, effective January 1, 2007.

Purpose

This issue is not addressed in the statutes reviewed.

Contents

This issue is not addressed in the statutes reviewed.

Maintenance

This issue is not addressed in the statutes reviewed.

Kentucky**Right of the Reported Person to Review and Challenge Records****Rev. Stat. § 620.050(5)(a)**

The report of suspected child abuse, neglect, or dependency and all information obtained by the Cabinet of Health and Family Services or its delegated representative, as a result of an investigation or assessment made pursuant to this chapter, may be released to persons suspected of causing dependency, neglect, or abuse.

When Records Must Be Expunged**Rev. Stat. § 620.050(10)(c)**

Unless objected to by the victim or victims, the court, on its own motion, or on motion of the attorney for the Commonwealth, shall order all recorded interviews that are introduced into evidence or are in the possession of the children's advocacy center, law enforcement, the prosecution, or the court to be sealed.

Louisiana

Right of the Reported Person to Review and Challenge Records**Children's Code Art. 616.1**

When a report alleging abuse or neglect is recorded as justified by the Department of Social Services in the central registry but when no petition is subsequently filed alleging that the child is in need of care, the individual who is the subject of the finding may file a written motion seeking correction of that entry and all related department records in the court exercising juvenile jurisdiction in the parish in which the finding was made. If neither the department nor the district attorney files a written objection, the court may enter an order.

If, after a contradictory hearing with the department and the district attorney, the court finds that the report was not justified, and correction of the record is not contrary to the best interests of the child, it may order the department to correct the central registry entry.

If the central registry entry is ordered to be corrected, the department and any law enforcement office having any record of the report shall be ordered to correct those records and any other records, notations, or references thereto, and the court shall order the department and other custodians of these records to file a sworn affidavit to the effect that their records have been corrected. The affidavit of the department shall also attest to the correction of the central registry entry.

When Records Must Be Expunged**Children's Code Art. 616.2**

The Bureau of Identification and Information in the Office of State Police shall maintain a central index registry of all reports of sexual abuse. All information regarding the reports shall be maintained by the Department of Public Safety and Corrections for 10 years from the date of receipt of the report, unless a subsequent report is received during that time, in which case, information from all reports will be maintained indefinitely.

Maine**Right of the Reported Person to Review and Challenge Records**

This issue is not addressed in the statutes reviewed.

When Records Must Be Expunged**Rev. Stat. Tit. 22, § 4008(5)**

The Department of Human Services shall retain unsubstantiated child protective services case records for no more than 18 months following a finding of unsubstantiation and then expunge unsubstantiated case records from all departmental files or archives unless a new referral has been received within the 18-month retention period.

Unsubstantiated child protective services records of persons who were eligible for Medicaid services under the Federal Social Security Act, title XIX, at the time of the investigation may be retained for up to 5 years for the sole purpose of State and Federal audits of the Medicaid program. Unsubstantiated child protective services case records retained for audit purposes must be stored separately from other child protective services records and may not be used for any other purpose.

Maryland

Right of the Reported Person to Review and Challenge Records**Family Law § 5-706.1**

Within 30 days after the completion of an investigation in which there has been a finding of indicated or unsubstantiated abuse or neglect, the local Department of Social Services shall notify in writing the individual alleged to have abused or neglected a child:

- Of the finding
- Of the opportunity to appeal the finding
- If the individual has been found responsible for indicated abuse or neglect, that the individual may be identified in a central registry as responsible for abuse or neglect

In the case of a finding of indicated abuse or neglect, an individual may request a contested case hearing to appeal the finding by responding to the notice of the local department in writing within 60 days. Unless the individual and the department agree on another location, a contested case hearing shall be held in the jurisdiction in which the individual alleged to have abused or neglected a child resides.

If a criminal proceeding is pending on charges arising out of the alleged abuse or neglect, the Office of Administrative Hearings shall stay the hearing until a final disposition is made. If after final disposition of the criminal charge, the individual requesting the hearing is found guilty of any criminal charge arising out of the alleged abuse or neglect, the Office of Administrative Hearings shall dismiss the administrative appeal.

If a child in need of assistance (CINA) case is pending concerning a child who has been allegedly abused or neglected by the appellant or a child in the care, custody, or household of the appellant, the Office of Administrative Hearings shall stay the hearing until the CINA case is concluded. After the conclusion of the CINA case, the Office of Administrative Hearings shall vacate the stay and schedule further proceedings in accordance with this section.

In the case of a finding of unsubstantiated abuse or neglect, an individual may request a conference with a supervisor in the local department by responding to the notice of the local department in writing within 60 days.

In response to a timely request for a conference, a local department supervisor shall schedule a conference, to occur within 30 days after the supervisor receives the request, to allow the individual an opportunity to review the redacted record, and request corrections or to supplement the record. Within 10 days after the conference, the local department shall send to the individual:

- A written summary of the conference and of any modifications to be made in the record
- Notice of the individual's right to request a contested case hearing

The individual may request a contested case hearing to appeal the outcome of the conference by responding to the summary in writing within 60 days. If the individual does not receive the written summary and required notice within 20 days, the individual may request a contested case hearing.

In the case of an unexpunged finding of indicated or unsubstantiated abuse or neglect made prior to June 1, 1999, the local department shall provide the individual with an opportunity to appeal the finding in accordance with this section if the individual:

- Requests such an appeal
- Has not been offered an opportunity to request a contested case hearing
- Has not been found guilty of any criminal charge arising out of the alleged abuse or neglect

When Records Must Be Expunged**Family Law § 5-707(b)**

The local Department of Social Services shall expunge a report of suspected abuse or neglect and all assessments and investigative findings:

- Within 5 years after the date of referral if the investigation concludes that the report is unsubstantiated, and no further reports of abuse or neglect are received during the 5 years
- Within 120 days after the date of referral if the report is ruled out, and no further reports of abuse or neglect are received during the 120 days

Massachusetts**Right of the Reported Person to Review and Challenge Records**

This issue is not addressed in the statutes reviewed.

When Records Must Be Expunged**Ann. Laws Ch. 119, § 51E**

The name and all other identifying information relating to any child, or to his or her parents or guardian, shall be removed from the reports 1 year after the department determines that the allegation of serious physical or emotional injury resulting from abuse or neglect cannot be substantiated, or, if the allegations are substantiated, when the child reaches age 18 or 1 year after the date of termination of services to the child or his or her family, whichever date occurs last.

Michigan**Right of the Reported Person to Review and Challenge Records****Comp. Laws § 722.627**

If the Family Independence Agency (department) classifies a report of suspected child abuse or neglect as a central registry case, the department shall maintain a record in the central registry and, within 30 days after the classification, shall notify in writing each person who is named in the record as a perpetrator of the child abuse or neglect. The notice shall set forth the person's right to request expunction of the record and the right to a hearing if the department refuses the request.

A person who is the subject of a report or record may request the department to amend an inaccurate report or record from the central registry and local office file. A person who is the subject of a report or record may request the department to expunge from the central registry a report or record in which no relevant and accurate evidence of abuse or neglect is found to exist. A report or record filed in a local office file is not subject to expunction except as the department authorizes, if it is considered in the best interests of the child.

If the department refuses a request for amendment or expunction, or fails to act within 30 days after receiving the request, the department shall hold a hearing to determine by a preponderance of evidence whether the report or record in whole or in part should be amended or expunged from the central registry on the grounds that the report or record is not relevant or accurate evidence of abuse or neglect. The hearing shall be held before a hearing officer appointed by the department and shall be conducted as prescribed by the administrative procedures act of 1969.

When Records Must Be Expunged**Comp. Laws § 722.627**

If the investigation of a report conducted under this act fails to disclose evidence of abuse or neglect, the information identifying the subject of the report shall be expunged from the central registry.

If evidence of abuse or neglect exists, the department shall maintain the information in the central registry until the department receives reliable information that the perpetrator of the abuse or neglect is dead.

Minnesota**Right of the Reported Person to Review and Challenge Records****Ann. Stat. § 626.556, Subd. 10f & 10i**

The investigating agency shall notify the parent or guardian of the child who is the subject of the report, and any person or facility determined to have maltreated a child, of their appeal or review rights under this section or § 256.022. Administrative reconsideration is not applicable in family assessments since no determination concerning maltreatment is made.

For an investigation in which an individual or facility has been determined to have maltreated a child, an interested person acting on behalf of the child who contests the investigating agency's final determination regarding maltreatment may request the investigating agency to reconsider its final determination regarding maltreatment.

The request for reconsideration must be submitted in writing to the investigating agency within 15 calendar days after receipt of notice of the final determination or, if the request is made by an interested person who is not entitled to notice, within 15 days after receipt of the notice by the parent or guardian of the child.

Effective January 1, 2002, an individual who was determined to have maltreated a child and who was disqualified for employment or licensure based on serious or recurring maltreatment, may request reconsideration of the maltreatment determination and the disqualification. The request for reconsideration of the maltreatment determination and the disqualification must be submitted within 30 calendar days of the individual's receipt of the notice of disqualification.

If the investigating agency denies the request or fails to act upon the request within 15 working days after receiving the request for reconsideration, the person or facility entitled to a fair hearing may submit to the Commissioner of Human Services or the Commissioner of Education a written request for a hearing. For reports involving maltreatment of a child in a facility, an interested person acting on behalf of the child may request a review by the Child Maltreatment Review Panel under § 256.022 if the investigating agency denies the request or fails to act upon the request or if the interested person contests a reconsidered determination. The investigating agency shall notify persons who request reconsideration of their rights under this paragraph. The request must be submitted in writing to the review panel and a copy sent to the investigating agency within 30 calendar days of receipt of notice of a denial of a request for reconsideration or of a reconsidered determination. The request must specifically identify the aspects of the agency determination with which the person is dissatisfied. If, as a result of a reconsideration or review, the investigating agency changes the final determination of maltreatment, that agency shall notify the parties specified in subdivisions 10b, 10d, and 10f.

If an individual or facility contests the investigating agency's final determination regarding maltreatment by requesting a fair hearing under § 256.045, the Commissioner of Human Services shall ensure that the hearing is conducted and a decision is reached within 90 days of receipt of the request for a hearing. The time for action on the decision may be extended for as many days as the hearing is postponed or the record is held open for the benefit of either party.

When Records Must Be Expunged**Ann. Stat. § 626.556, Subd. 11c**

For family assessment cases and cases where an investigation results in no determination of maltreatment or the need for child protective services, the assessment or investigation records must be maintained for a period of 4 years. These records may not be used for employment, background checks, or purposes other than to assist in future risk and safety assessments.

All records relating to reports that upon investigation indicate either maltreatment or a need for child protective services shall be maintained for at least 10 years after the date of the final entry in the case record.

All records regarding a report of maltreatment, including any notification of intent to interview that was received by a school, shall be destroyed by the school when ordered to do so by the agency conducting the assessment or investigation. The agency shall order the destruction of the notification when other records relating to the report under investigation or assessment are destroyed.

Private or confidential data released to a court services agency must be destroyed by the court services agency when ordered to do so by the local welfare agency that released the data. The local welfare agency or agency responsible for assessing or investigating the report shall order destruction of the data when other records relating to the assessment or investigation are destroyed.

Mississippi**Right of the Reported Person to Review and Challenge Records****Ann. Code § 43-21-257**

The Department of Human Services shall adopt rules and administrative procedures, especially those procedures to afford due process to individuals who have been named as substantiated perpetrators before the release of their names from the central registry, as may be necessary to carry out this subsection.

When Records Must Be Expunged**Ann. Code § 43-21-263**

The youth court may order the sealing of records involving children under the following conditions:

- If the child who was the subject of the case has attained 20 years of age
- If the youth court dismisses the case
- If the youth court sets aside an adjudication in the case

Missouri

Right of the Reported Person to Review and Challenge Records

Ann. Stat. § 210.152

Within 90 days after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

- That the Division of Family Services has determined by a probable cause finding (prior to August 28, 2004) or by a preponderance of evidence (after August 28, 2004) that abuse or neglect exists and that the division shall retain all identifying information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies or prosecuting or circuit attorneys or as provided in § 210.150; that the alleged perpetrator has 60 days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board
- That the division has not made a probable cause finding or determined by a preponderance of evidence that abuse or neglect exists

Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division may seek an administrative review by the child abuse and neglect review board. The request for review must be made within 60 days of notification of the division's decision. In those cases where criminal charges based on the facts of the investigation are pending, the request for review shall be made within 60 days from the court's final disposition or dismissal of the charges.

In any action for administrative review, the child abuse and neglect review board shall sustain the division's determination if that determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of evidence after August 28, 2004, and is not against the weight of the evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys, and those persons providing testimony on behalf of the parties.

If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek *de novo* judicial review in the circuit court. The request for a judicial review shall be made within 60 days of notification of the decision of the child abuse and neglect review board. In reviewing these decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter.

In the action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian, or legal representative of the child that a review has been requested.

When Records Must Be Expunged

Ann. Stat. § 210.152

For investigation reports where there is insufficient evidence of abuse or neglect, and the Division of Family Services determines that the allegation was made maliciously, for purposes of harassment, or in retaliation for the filing of a report, identifying information shall be expunged within 45 days from the conclusion of the investigation.

For investigation reports initiated by a mandated reporter, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for 5 years from the conclusion of the investigation.

For all other reports where there is insufficient evidence, identifying information shall be retained for 2 years. At the end of that time, the identifying information shall be removed from the records of the division and destroyed.

For reports in which the division is unable to locate the child alleged to have been abused or neglected, identifying information shall be retained for 10 years from the date of the report and then shall be removed from the records of the division.

Montana

Right of the Reported Person to Review and Challenge Records

Ann. Code § 41-3-202

A person who is the subject of an unsubstantiated report that was made prior to October 1, 2003, and after which a period of 3 years has elapsed without there being submitted a subsequent substantiated report or an order issued based on the circumstances surrounding the initial allegations, may request that the department destroy all of the records concerning the unsubstantiated report.

When Records Must Be Expunged

Ann. Code § 41-3-202

If it is determined from the investigation that the child has not suffered abuse or neglect, and the initial report is determined to be unfounded, the Department of Public Health and Human Services and the social worker, county attorney, or peace officer who conducted the investigation shall destroy all of their records concerning the report and the investigation. The destruction must be completed within 30 days of the determination that the child has not suffered abuse or neglect.

If the report is unsubstantiated, the department and the social worker who conducted the investigation shall destroy all of the records, except for medical records, concerning the unsubstantiated report and the investigation within 30 days after the end of the 3-year period starting from the date the report was determined to be unsubstantiated, unless:

- There had been a previous or there is a subsequent substantiated report concerning the same person.
- An order has been issued based on the circumstances surrounding the initial allegations.

Nebraska

Right of the Reported Person to Review and Challenge Records

Rev. Stat. § 28-723

At any time subsequent to the completion of the investigation by the Department of Social Services, the subject of the report of child abuse or neglect may request the department to amend, expunge identifying information from, or remove the record of the report from the central register of child protection cases.

If the department refuses to do so or does not act within 30 days, the subject of the report of child abuse or neglect shall have the right to a fair hearing within the department to determine whether the record of the report should be amended, expunged, or removed on the grounds that it is inaccurate or that it is being maintained in a manner inconsistent with the Child Protection Act.

The fair hearing shall be held within a reasonable time after the subject's request and at a reasonable place and hour. In such hearings, the burden of proving the accuracy and consistency of the record shall be on the department. A juvenile court finding of child abuse or child neglect shall be presumptive evidence that the report was not unfounded.

The hearing shall be conducted by the head of the department who is authorized and empowered to order the amendment, expunction, or removal of the record to make it accurate or consistent with the requirements of the act.

The decision shall be made in writing, at the close of the hearing, or within 30 days thereof, and shall state the reasons upon which it is based. Decisions of the department may be appealed under the provisions of the Administrative Procedure Act.

When Records Must Be Expunged**Rev. Stat. § 28-721**

At any time, the Department of Social Services may amend, expunge, or remove from the central register of child protection cases any record upon good cause shown and upon notice to the subject of the report of child abuse or neglect and to the division.

Nevada**Right of the Reported Person to Review and Challenge Records**

This issue is not addressed in the statutes reviewed.

When Records Must Be Expunged**Rev. Stat. § 432.120**

The information contained in the central registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency that provides child welfare services must be deleted from the central registry no later than 10 years after the child who is the subject of the report reaches age 18.

New Hampshire**Right of the Reported Person to Review and Challenge Records****Rev. Stat. § 169-C:35**

Upon receipt by the Department of Health and Human Services of a written request and verified proof of identity, an individual shall be informed by the department if that individual's name is listed in the founded reports maintained in the central registry.

Any individual whose name is listed in the founded reports maintained on the central registry may petition the district court to have his or her name expunged from the registry. A petition to expunge shall be filed in the district court where the abuse and neglect petition was heard. In cases where the department makes a finding but no petition is filed with the court, a petition to expunge shall be filed in the district court where the petition for the abuse and neglect could have been brought.

When a petition to expunge is filed, the district court shall require the department to report to the court concerning any additional founded abuse and neglect reports on the petitioner and shall require that the department submit the petitioner's name, birth date, and address to the State police to obtain information about criminal convictions. The court may require the department to provide any additional information that the court believes may aid it in making a determination on the petition.

Upon the receipt of the department's report, the court may act on the petition without further hearing or may schedule the matter for hearing at the request of either party. If the court determines that the petitioner does not pose a present threat to the safety of children, the court shall grant the petition and order the department to remove the individual's name from the central registry. Otherwise, the petition shall be dismissed.

When an individual's name is added to the central registry, the department shall notify individuals of their right to petition to have their name expunged from the central registry. No petition to expunge shall be brought within 1 year from the date that the petitioner's name was initially entered on the central registry. If the petition to expunge is denied, no further petition shall be brought more frequently than every 3 years thereafter.

When Records Must Be Expunged**Rev. Stat. § 169-C:35-a**

The department shall retain a screened-out report for 1 year from the date that the report was screened-out, after which time the department shall delete or destroy all electronic and paper records of the report. A report is 'screened-out' when the department has determined it does not rise to the level of a credible report of abuse or neglect and is not referred for assessment.

The department shall retain an unfounded report for 3 years from the date that the department determined the case to be unfounded, after which time, the department shall delete or destroy all electronic and paper records of the report.

The department shall retain a founded report for 7 years from the date that the department closes the case, after which time, the department shall delete or destroy all electronic and paper records of the report. This paragraph shall not apply to foster placement records or to adoption records.

New Jersey**Right of the Reported Person to Review and Challenge Records****Ann. Stat. § 9:6-8.10a(b)(12)**

The Division of Youth and Family Services may upon written request release the records and reports of child abuse and neglect, or parts thereof, consistent with the provisions of § 9:6-8.83, *et al.*, to any person appealing a department service or status action or a substantiated finding of child abuse or neglect and his or her attorney or authorized lay representative upon a determination by the department or the presiding administrative law judge that such disclosure is necessary for a determination of the issue on appeal.

When Records Must Be Expunged**Ann. Stat. § 9:6-8.40a**

The division shall expunge from its records all information relating to a report, complaint, or allegation of an incident of child abuse or neglect when an investigation has determined that the allegation was unfounded.

New Mexico**Right of the Reported Person to Review and Challenge Records**

This issue is not addressed in the statutes reviewed.

When Records Must Be Expunged

This issue is not addressed in the statutes reviewed.

New York

Right of the Reported Person to Review and Challenge Records

Soc. Serv. Law § 422(5), (7)-(8)

Notwithstanding any other provision of law, the Office of Children and Family Services may, at its discretion, grant a request to expunge an unfounded report when:

- The source of the report was convicted of knowingly making a false allegation about that report.
- The subject of the report presents clear and convincing evidence that affirmatively refutes the allegation of abuse or maltreatment.

The absence of credible evidence supporting the allegation of abuse or maltreatment shall not be the sole basis to expunge the report. Nothing in this paragraph shall require the Office of Children and Family Services to hold an administrative hearing to decide whether to expunge a report. That office shall make its determination upon reviewing the written evidence submitted by the subject of the report and any records or information obtained from the State or local agency that investigated the allegations of abuse or maltreatment.

At any time, a subject of a report and other persons named in the report may receive, upon request, a copy of all information contained in the central register.

At any time subsequent to the completion of the investigation but in no event later than 90 days after the subject of the report is notified that the report is indicated, the subject may request the commissioner to amend the record of the report. If the commissioner does not amend the report within 90 days, the subject shall have the right to a fair hearing to determine whether the record of the report in the central register should be amended on the grounds that it is inaccurate or is being maintained in a manner inconsistent with the law.

When Records Must Be Expunged

Soc. Serv. Law § 422(6)

The record of the report to the central register shall be expunged 10 years after the 18th birthday of the youngest child named in the report. In the case of a child in residential care, the record of the report to the central register shall be expunged 10 years after the reported child's 18th birthday.

North Carolina

Right of the Reported Person to Review and Challenge Records

Gen. Stat. § 7B-311(d)

The Social Services Commission shall adopt rules regarding the operation of the central registry and responsible individuals list, including procedures for notifying a responsible individual of a determination of abuse or serious neglect.

The name of an individual who has been identified as a responsible individual shall be placed on the responsible individuals list only after one of the following:

- The individual is properly notified pursuant to § 7B-320 and fails to file a petition for judicial review in a timely manner.
- The court determines that the individual is a responsible individual as a result of a hearing on:
 - » The individual's petition for judicial review
 - » A juvenile petition that alleges and seeks a determination that the individual is a responsible person
- The individual is criminally convicted as a result of the same incident involved in an investigative assessment response.

When Records Must Be Expunged**Gen. Stat. § 7B-311(d))**

The Social Services Commission shall adopt rules regarding the operation of the central registry and responsible individuals list, including procedures for correcting and expunging information.

North Dakota**Right of the Reported Person to Review and Challenge Records****Cent. Code § 50-25.1-05.4**

The Department of Human Services shall adopt rules to resolve complaints and conduct appeal hearings requested by the subject of a report of suspected child abuse, neglect, or death resulting from abuse or neglect who is aggrieved by the conduct or result of an assessment.

When Records Must Be Expunged

This issue is not addressed in the statutes reviewed.

Northern Mariana Islands**Right of the Reported Person to Review and Challenge Records**

This issue is not addressed in the statutes reviewed.

When Records Must Be Expunged

This issue is not addressed in the statutes reviewed.

Ohio**Right of the Reported Person to Review and Challenge Records**

This issue is not addressed in the statutes reviewed.

When Records Must Be Expunged

This issue is not addressed in the statutes reviewed.

Oklahoma**Right of the Reported Person to Review and Challenge Records**

This issue is not addressed in the statutes reviewed.

When Records Must Be Expunged**Ann. Stat. Tit. 10A, § 1-2-108**

Records obtained by the Department of Human Services shall be maintained by the department until otherwise provided by law.

Oregon

Right of the Reported Person to Review and Challenge Records

This issue is not addressed in the statutes reviewed.

When Records Must Be Expunged

This issue is not addressed in the statutes reviewed.

Pennsylvania

Right of the Reported Person to Review and Challenge Records

Cons. Stat. Tit. 23, § 6341

Any person named as a perpetrator and any school employee named in an indicated report of child abuse may, within 45 days of being notified of the status of the report, request the secretary of the Department of Public Welfare to amend or expunge an indicated report on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with law. If the secretary grants the request, the statewide central register, appropriate county agency, appropriate law enforcement officials, and all subjects shall be so advised of the decision.

The county agency and any subject have 45 days in which to file an administrative appeal with the secretary. If an administrative appeal is received, the secretary or his designated agent shall schedule a hearing. If no administrative appeal is received within the designated time, the statewide central register shall comply with the decision of the secretary and advise the county agency to amend or expunge the information in their records so that the records are consistent at both the State and local levels.

If the secretary refuses the request for a hearing or does not act within a reasonable time, but in no event later than 30 days after receipt of the request, the perpetrator or school employee shall have the right to a hearing before the secretary or a designated agent of the secretary to determine whether the indicated report in the statewide central register should be amended or expunged on the grounds that it is inaccurate or that it is being maintained in a manner inconsistent with law.

The perpetrator or school employee shall have 45 days from the date of the letter giving notice of the decision to deny the request in which to request a hearing. The appropriate county agency and appropriate law enforcement officials shall be given notice of the hearing. The burden of proof in the hearing shall be on the appropriate county agency. The department shall assist the county agency as necessary.

Any administrative appeal proceeding shall be automatically stayed upon notice to the department by either of the parties when there is a pending criminal proceeding or a dependency or delinquency proceeding.

The secretary or designated agent may make any appropriate order respecting the amendment or expunction of records to make them accurate or consistent with the requirements of this chapter. Written notice of an expunction of any child abuse record shall be served upon the subject of the record who was responsible for the abuse or injury and the appropriate county agency.

When Records Must Be Expunged**Cons. Stat. Tit. 23, §§ 6337; 6338**

When a report of suspected child abuse is determined to be unfounded, the information concerning that report shall be maintained for 1 year, then expunged from the pending complaint file as soon as possible, but no later than 120 days after the end of the 1-year period.

If an investigation of a report of suspected child abuse is unable, within 60 days, to determine whether the report is founded, indicated, or unfounded, or unless within that same 60-day period court action has been initiated and is responsible for the delay, the report shall be considered to be an unfounded report, and all information identifying the subjects of the report shall be expunged no later than 120 days following the expiration of 1 year after the date the report was received by the department.

All information identifying the subjects of any report of suspected child abuse, and of any report relating to students in public and private schools determined to be an unfounded report, shall be expunged from the pending complaint file.

All information that identifies the subjects of founded and indicated child abuse reports shall be expunged when the subject child reaches the age of 23 years.

Puerto Rico**Right of the Reported Person to Review and Challenge Records****Ann. Laws Tit. 8, § 446d**

The subject of the report shall be entitled to request in writing from the secretary of the Department of the Family a copy of the information found in the central registry referring to his or her case. The secretary or his or her designee shall furnish the information, provided this does not go against the best interests of the minor and if the necessary steps are taken to protect the confidentiality of the person who in good faith reported the case or cooperated during its investigation. If the request for information is denied, the person affected by the secretary's decision may resort to the court of appeals within 30 days of the date of notice of the final decision.

In those referrals lacking grounds, the subject of the report may request in writing that his or her name be amended or deleted from the registry within 30 days following the date of the notification that there are no grounds. The Commonwealth Center for the Protection of Minors shall have 30 days from the date of receipt of the request to act thereon. If the request is denied or the center fails to act thereon, the subject of the report shall have 30 days to file his or her petition for review with the court of appeals.

When Records Must Be Expunged

This issue is not addressed in the statutes reviewed.

Rhode Island**Right of the Reported Person to Review and Challenge Records**

This issue is not addressed in the statutes reviewed.

When Records Must Be Expunged**Gen. Laws §§ 40-11-3; 40-11-13.1**

Any person who has been reported for child abuse and/or neglect, and who has been determined not to have neglected and/or abused a child, shall have his or her record expunged as to that incident 3 years after that determination.

All records concerning reports of child abuse and neglect made pursuant to this chapter, including reports made to the Department of Children, Youth and Families, shall be destroyed 3 years after the date of a final determination by either the family court or the department that the reported child abuse or neglect did not in fact occur.

South Carolina**Right of the Reported Person to Review and Challenge Records****Ann. Code §§ 63-7-1410 through 63-7-1440**

This article provides for a child protective services appeals process for reports that have been indicated and are not being brought before the family court for disposition and for reports indicated and entered in the central registry and not being brought before the family court for disposition. This process is available only to the person determined to have abused or neglected the child.

If a person requests an appeal and the family court has determined that the person is responsible for abuse or neglect of the child, an appeal is not available. If the family court reaches such a determination after the initiation of the appeal, the Department of Social Services shall terminate the appeal. If a proceeding is pending in the family court, the department shall stay the appeal pending the court's decision.

If the department determines that a report of suspected child abuse or neglect is indicated, or if the case was entered in the central registry and the department is not taking the case to the family court for disposition, the department shall provide notice of the case decision by certified mail to the person determined to have abused or neglected the child. The notice must inform the person of the right to appeal the case decision and that if he or she intends to appeal the decision, he or she must notify the department of this intent in writing within 30 days of receipt of the notice. If the person does provide notice within 30 days, the right to appeal is waived by the person and the case decision becomes final. Within 14 days after receipt of a notice of intent to appeal, an appropriate official of the department must conduct an interim review of the case.

If the official conducting the interim review decides that the determination against the appellant is not supported by a preponderance of evidence, this decision must be reflected in the department's case record and database. If the person's name was in the central registry and the interim review results in a reversal of the decision that supports that entry, the person's name must be removed from the central registry.

The State director shall appoint a hearing officer to conduct a contested case hearing for each case decision appealed. The purpose of the hearing is to determine whether there is a preponderance of evidence that the appellant was responsible for abuse or neglect of the child.

After a contested case hearing, if the State director decides that the determination against the appellant is not supported by a preponderance of evidence, this decision must be reflected in the department's case record and database. If the person's name was in the central registry as a result of a determination and the State director reverses the decision that supports that entry, the person's name must be removed from the central registry. If the State director affirms the determination against the appellant, the appellant has the right to seek judicial review in the family court of the jurisdiction in which the case originated.

An appellant seeking judicial review shall file a petition in the family court within 30 days after the final decision of the department. The family court shall conduct a judicial review of the pleadings and a certified transcript of the record that must include the evidence upon which the findings and decisions appealed are based. The judgment must include a determination of whether the decision of the department that a preponderance of evidence shows that the appellant abused or neglected the child should be affirmed or reversed.

When Records Must Be Expunged**Ann. Code §§ 63-7-1950; 63-7-1960**

If it is determined that a report is unfounded, the Department of Social Services must immediately purge information identifying that person as a perpetrator from the registry and from department records.

The names, addresses, birth dates, identifying characteristics, and other information unnecessary for auditing and statistical purposes of persons named in department records of indicated cases other than the central registry must be destroyed 7 years from the date services are terminated.

South Dakota**Right of the Reported Person to Review and Challenge Records****Ann. Laws § 26-8A-11**

Within 30 days after the Department of Social Services notifies any person that he or she will be placed on the central registry for child abuse and neglect based upon a substantiated investigation, the person may request an administrative hearing. The administrative hearing is limited to determining whether the record should be amended or removed on the grounds that it is inaccurate. The request shall be made in writing and directed to the person designated by the department in the notice.

If there has been a court finding of child abuse or neglect, the record's accuracy is conclusively presumed and the person has no right to an administrative hearing.

In the hearing, the burden of proving the accuracy of the record is on the department. The hearing examiner may order the amendment or removal of the record. The decision of the hearing examiner shall be made in writing within 90 days after the date of receipt of the request for a hearing and shall state the reasons upon which it is based. Decisions of the department under this section are administrative decisions subject to judicial review under chapter 1-26.

When Records Must Be Expunged**Ann. Laws §§ 26-8A-11; 26-8A-12**

In any case where there has been no substantiated report of child abuse and neglect, the Department of Social Services may not maintain a record or other information of unsubstantiated child abuse and neglect for longer than 3 years if there has been no further report within that 3-year period.

The secretary may not adopt any rule that would permit the removal from the central registry of any person who has been convicted of any violation of chapter 22-22 [sex offenses], chapter 22-24A [obscenity and indecency], § 22-22A-3 [aggravated incest], or § 26-10-1 [felony abuse of or cruelty to a minor], if the victim of the crime was a child.

Tennessee**Right of the Reported Person to Review and Challenge Records**

This issue is not addressed in the statutes reviewed.

When Records Must Be Expunged

This issue is not addressed in the statutes reviewed.

Texas

Right of the Reported Person to Review and Challenge Records Family Code § 261.315

At the conclusion of an investigation in which the department determines that the person alleged to have abused or neglected a child did not commit abuse or neglect, the department shall notify the person of the person's right to request that the department remove information about the person's alleged role in the abuse or neglect report from the department's records.

On request from a person whom the department has determined did not commit abuse or neglect, the department shall remove information from the department's records concerning the person's alleged role in the abuse or neglect report.

The board shall adopt rules necessary to administer this section.

When Records Must Be Expunged

This issue is not addressed in the statutes reviewed.

Utah

Right of the Reported Person to Review and Challenge Records Ann. Code § 62A-4a-1009

The Division of Child and Family Services shall send a notice of agency action to a person about whom the division has made a supported finding. The notice shall state that:

- The division has conducted an investigation regarding alleged child abuse, neglect, or dependency.
- The division has made a supported finding of abuse, neglect, or dependency.
- Facts gathered by the division support the supported finding.
- The person has the right to request a copy of the report and an opportunity to challenge the supported finding.
- Failure to request an opportunity to challenge the supported finding within 30 days of receiving the notice will result in an unappealable supported finding of child abuse, neglect, or dependency unless the person can show good cause why compliance within the 30-day requirement was virtually impossible or unreasonably burdensome.

A person may make a request to challenge a supported finding within 30 days of a notice being received. Upon receipt of a request, the Office of Administrative Hearings shall hold an adjudicative proceeding pursuant to the Administrative Procedures Act.

In an adjudicative proceeding, the division shall have the burden of proving, by a preponderance of evidence, that there is a reasonable basis to conclude that child abuse, neglect, or dependency occurred and that the alleged perpetrator was substantially responsible for the abuse or neglect that occurred. Any party shall have the right of judicial review of final agency action.

Except as otherwise provided in this chapter, an alleged perpetrator who, after receiving notice, fails to challenge a supported finding, may not further challenge the finding and shall have no right to agency review, an adjudicative hearing, or judicial review of the finding.

An alleged perpetrator may not make a request to challenge a supported finding if a court of competent jurisdiction entered a finding, in a proceeding in which the alleged perpetrator was a party, that the alleged perpetrator is substantially responsible for the abuse, neglect, or dependency that was also the subject of the supported finding.

An adjudicative proceeding may be stayed during the time a judicial action on the same matter is pending.

When Records Must Be Expunged**Ann. Code § 62A-4a-1008**

Unless the executive director determines that there is good cause for keeping a report of abuse or neglect in the Management Information System, based on standards established by rule, the Division of Child and Family Services shall delete any reference to:

- A report that is without merit, if no subsequent report involving the same alleged perpetrator has occurred within 1 year
- A report that has been determined by a court of competent jurisdiction to be unsubstantiated or without merit, if no subsequent report involving the same alleged perpetrator has occurred within 5 years

Vermont**Right of the Reported Person to Review and Challenge Records****Ann. Stat. Tit. 33, §§ 4916a; 4916b**

If an investigation results in a determination that a report of child abuse or neglect should be substantiated, the Department for Children and Families shall notify the person alleged to have abused or neglected a child of the right to request a review of the substantiation determination by an administrative reviewer and the right to receive a copy of the commissioner's written findings. A person who wishes to challenge placement of his or her name on the registry must notify the department within 14 days of the date the department mailed notice of the right to review.

The department shall hold an administrative review conference within 35 days of receipt of the request for review. At least 10 days prior to the administrative review conference, the department shall provide to the person requesting the review a copy of the redacted investigation file, notice of time and place of the conference, and conference procedures, including information that may be submitted and mechanisms for providing testimony. The department shall also provide to the person those redacted investigation files that relate to prior investigations that the department has relied upon to make its substantiation determination in the case in which a review has been requested.

The administrative review may be stayed upon request of the person if there is a pending criminal or family division of the superior court case that is related to the same incident of abuse or neglect for which the person was substantiated. During this period, the person's name shall be placed on the registry. Upon resolution of the court case, the person may exercise his or her right to review.

If the administrative reviewer accepts the department's substantiation determination, a registry record shall be made immediately. If the reviewer rejects the department's substantiation determination, no registry record shall be made.

If no administrative review is requested, the department's decision in the case shall be final, and the person shall have no further right of review. The commissioner may grant a waiver and permit such a review upon good cause shown. Good cause may include an acquittal or dismissal of a criminal charge arising from the incident of abuse or neglect.

A commissioner's decision that creates a registry record may be appealed to the Human Services Board. Within 30 days of the date on which the administrative reviewer mailed notice of placement of a report on the registry, the person who is the subject of the substantiation may apply in writing to the Human Services Board for relief. The board shall hold a hearing within 60 days of the receipt of the request for a hearing and shall issue a decision within 30 days of the hearing. Priority shall be given to appeals in which there are immediate employment consequences for the person appealing the decision.

A hearing may be stayed upon request of the petitioner if there is a pending court case related to the same incident of abuse or neglect for which the person was substantiated.

If no review by the board is requested, the department's decision in the case shall be final, and the person shall have no further right for review under this section. The board may grant a waiver and permit such a review upon good cause shown.

When Records Must Be Expunged**Ann. Stat. Tit. 33, §§ 4916c; 4916d**

A person whose name has been placed on the registry prior to July 1, 2009, and has been listed on the registry for at least 3 years may file a written request with the Commissioner for Children and Families, seeking a review for the purpose of expunging an individual registry record. A person whose name has been placed on the registry on or after July 1, 2009, and has been listed on the registry for at least 7 years may file a written request seeking a review for the purpose of expunging an individual registry record. The commissioner shall grant a review upon request.

The person shall have the burden of proving that a reasonable person would believe that he or she no longer presents a risk to the safety or well-being of children.

At the review, the person who requested the review shall be provided with the opportunity to present any evidence or other information, including witnesses, that supports his or her request for expunction. A person may seek a review no more than once every 36 months.

The person may appeal the decision of the commissioner to the Human Services Board. The person shall be prohibited from challenging his or her substantiation at such hearing, and the sole issue before the board shall be whether the commissioner abused his or her discretion in denial of the petition for expunction.

Registry entries concerning a person who was substantiated for behavior occurring before the person reached age 10 shall be expunged when the person reaches age 18, provided that the person has had no additional substantiated registry entries.

A person substantiated for behavior occurring before the person reached age 18 and whose name has been listed on the registry for at least 3 years may file a written request seeking a review for the purpose of expunging an individual registry record.

Virgin Islands**Right of the Reported Person to Review and Challenge Records**

This issue is not addressed in the statutes reviewed.

When Records Must Be Expunged

This issue is not addressed in the statutes reviewed.

Virginia

Right of the Reported Person to Review and Challenge Records Ann. Code § 63.2-1526

A person who is suspected of or is found to have committed abuse or neglect may, within 30 days of being notified of that determination, request the local Department of Social Services making the determination to amend the determination and the local department's related records.

Upon written request, the local department shall provide the appellant all information used in making its determination. The local department shall hold an informal conference where this person, who may be represented by counsel, shall be entitled to informally present testimony of witnesses, documents, factual data, arguments, or other submissions of proof to the local department.

If the local department refuses the request for amendment or fails to act within 45 days after receiving the request, the person may, within 30 days thereafter, petition the commissioner, who shall grant a hearing to determine whether it appears, by a preponderance of evidence, that the determination or record contains information that is irrelevant or inaccurate regarding the commission of abuse or neglect by the person who is the subject of the determination.

The hearing officer shall have the authority to issue subpoenas for the production of documents and the appearance of witnesses, and to determine the number of depositions that will be allowed. The person who is the subject of the report has the right to submit oral or written testimony or documents, and to be informed of the procedure by which information will be made available or withheld. The alleged child victims of the person and their siblings shall not be subpoenaed, deposed, or required to testify.

The hearing officers are empowered to order the amendment of such determination or records as required to make them accurate and consistent with the requirements of law or regulation.

If, after hearing the facts of the case, the hearing officer determines that the person who is the subject of the report has presented information that was not available to the local department at the time of the local conference and that, if available, may have resulted in a different determination by the local department, he or she may remand the case to the local department for reconsideration.

The local department shall have 14 days in which to reconsider the case. If, at the expiration of 14 days, the local department fails to act or fails to amend the record to the satisfaction of the appellant, the case shall be returned to the hearing officer for a determination. If aggrieved by the decision of the hearing officer, the appellant may obtain further review of the decision in accordance with article 5 of the Administrative Process Act.

When an appeal of the local department's finding is made and a criminal charge is also filed against the appellant for the same conduct involving the same victim as investigated by the local department, the appeal process shall automatically be stayed until the criminal prosecution in circuit court is completed. During that stay, the appellant's right of access to the records of the local department regarding the matter being appealed shall also be stayed.

Once the criminal prosecution in circuit court has been completed, the local department shall advise the appellant in writing of his or her right to resume his or her appeal within the timeframes provided by law and regulation.

When Records Must Be Expunged**Ann. Code § 63.2-1514**

The record of unfounded investigations and complaints and reports determined to be not valid shall be purged 1 year after the date of the complaint or report if there are no subsequent complaints or reports regarding the same child or the person who is the subject of the complaint or report in that 1 year.

The record of family assessments shall be purged 3 years after the date of the complaint or report if there are no subsequent complaints or reports regarding the same child or the person who is the subject of the report in that 3-year period.

The child protective services records regarding the petitioner that result from the complaint or report shall be purged immediately by any custodian of the records upon presentation to the custodian of a certified copy of a court order that there has been a civil action that determined that the complaint or report was made in bad faith or with malicious intent. After purging the records, the custodian shall notify the petitioner in writing that the records have been purged.

Washington**Right of the Reported Person to Review and Challenge Records****Rev. Code § 26.44.125**

A person who is named as an alleged perpetrator after October 1, 1998, in a founded report of child abuse or neglect has the right to seek review and amendment of the finding. Within 20 calendar days after receiving written notice from the Department of Social and Health Services that a person is named as an alleged perpetrator in a founded report of child abuse or neglect, he or she may request that the department review the finding. The request must be made in writing.

If a request for review is not made, the alleged perpetrator may not further challenge the finding and shall have no right to agency review, adjudicative hearing, or judicial review of the finding.

Upon receipt of a written request for review, the department shall review and, if appropriate, may amend the finding. The review must be conducted in accordance with procedures the department establishes by rule.

Upon completion of the review, the department shall notify the alleged perpetrator in writing of the agency's determination. If, following agency review, the report remains founded, the person named as the alleged perpetrator in the report may request an adjudicative hearing to contest the finding. The request for an adjudicative proceeding must be filed within 30 calendar days after receiving notice of the agency review determination. If a request for an adjudicative proceeding is not made, the alleged perpetrator may not further challenge the finding.

Reviews and hearings conducted under this section are confidential and shall not be open to the public.

When Records Must Be Expunged**Rev. Code § 26.44.031**

The Department of Social and Health Services shall destroy all of its records concerning:

- A screened-out report within 3 years from the receipt of the report
- An unfounded or inconclusive report within 6 years of completion of the investigation, unless a prior or subsequent founded report has been received regarding the child who is the subject of the report, a sibling or half-sibling of the child, or a parent, guardian, or legal custodian of the child, before the records are destroyed

West Virginia

Right of the Reported Person to Review and Challenge Records

This issue is not addressed in the statutes reviewed.

When Records Must Be Expunged

Ann. Code § 49-6A-5

Unless there are pending proceedings, all reports shall be destroyed 30 years following their preparation.

Wisconsin

Right of the Reported Person to Review and Challenge Records

Ann. Stat. § 48.981(3)(c)(5m)

If the Department of Children and Families or a licensed child welfare agency under contract with the department determines that a specific person has abused or neglected a child, the department or agency, within 15 days after the date of the determination, shall notify the person in writing of the determination, the person's right to appeal the determination, and the procedure by which the person may appeal the determination.

The person may appeal the determination in accordance with the procedures established by the department. Those procedures shall include a procedure permitting an appeal to be held in abeyance pending the outcome of any criminal proceedings based on the alleged abuse or neglect, or the outcome of any investigation that may lead to the filing of a criminal complaint.

When Records Must Be Expunged

This issue is not addressed in the statutes reviewed.

Wyoming

Right of the Reported Person to Review and Challenge Records

Ann. Stat. § 14-3-213

Any person named as a perpetrator of child abuse or neglect in any report maintained in the central registry that is classified as a substantiated report shall have the right to have included in the report his or her statement concerning the incident giving rise to the report. Any person seeking to include a statement pursuant to this subsection shall provide the State agency with the statement.

The State agency shall provide notice to any person identified as a perpetrator of his or her right to submit his or her statement in any report maintained in the central registry.

When Records Must Be Expunged

Ann. Stat. § 14-3-213

Upon good cause shown and upon notice to the subject of an 'under investigation' or 'substantiated' report, the State agency may list, amend, expunge, or remove any record from the central registry in accordance with rules and regulations adopted by the State agency.

Within 6 months, all reports classified as 'under investigation' shall be reclassified as 'substantiated' or expunged from the central registry, unless the State agency is notified of an open criminal investigation or criminal prosecution. Unsubstantiated reports shall not be contained within the central registry.
