



Review and Expunction of Central Registries and Reporting Records

Records of child abuse and neglect reports are maintained by State child protection or social services agencies to aid in the investigation, treatment, and prevention of child abuse cases and to provide statistical information for staffing and funding purposes. In many States, these records and the results of investigations are maintained in databases, often known as central registries.

Following an investigation, States classify child abuse records in a variety of ways, depending on the State statutory language. The term "unsubstantiated" often is used to describe situations in which investigators have been unable to confirm the occurrence of abuse or neglect. Other terms for unsubstantiated can include "unfounded,"

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“not indicated,” or “unconfirmed.” The term “substantiated” often is given to a report if a determination has been made that abuse or neglect did likely occur. Other terms for substantiated include “founded,” “indicated,” or “confirmed.” Several States maintain all investigated reports of abuse and neglect in their central registries, while other States maintain only substantiated reports.

Right of the Reported Person to Review and Challenge Records

Many States use the records that are maintained in central registries for background checks for persons seeking employment to work with children and for prospective foster and adoptive parents. Therefore, several due process and protection issues arise when a State maintains a central registry that identifies individuals accused of and found to have committed child abuse or neglect. In some cases, persons whose names are listed as alleged perpetrators in a central registry have asserted that the listing of their name in the registry deprives them of a constitutionally protected interest without due process of law.

Approximately 29 States, the District of Columbia, American Samoa, and Puerto Rico provide an individual the right to request an administrative hearing to contest the findings of an investigation of a report and to have an inaccurate report expunged or deleted from the registry.¹ In Louisiana and New Hampshire, a person who wishes to challenge a report must petition the court for a hearing. In Delaware, an individual who has successfully completed a service plan may petition the court to have his or her name removed from the central registry. In Wyoming, any person who has been named in a substantiated report of child abuse or neglect has the right to submit to the registry a statement concerning the incident.

When Records Must Be Expunged

The term “expunction,” or “expungement,” refers to the procedures used by States to maintain and update their central

¹ The word *approximately* is used to stress the fact that States frequently amend their laws. This information is current through November 2008. The States that provide for administrative review include Arizona, Arkansas, Colorado, Connecticut, Georgia, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin.

registries and recordkeeping by removing old or inaccurate records.

Under the Child Abuse Prevention and Treatment Act (CAPTA), in order to receive a Federal grant, States must submit plans that include provisions and procedures for the prompt expunction of records of unsubstantiated or false cases if the records are accessible to the general public or are used for purposes of employment or other background checks.² CAPTA does, however, allow State child protective services agencies to retain information on unsubstantiated reports in their casework files to assist in future risk and safety assessment.³

Approximately 40 States, the District of Columbia, American Samoa, and Guam have provisions in statute for the expunction of certain child abuse and neglect reports.⁴ Statutes vary as to expunction standards and procedures. For example, the time specified for the expunction of unfounded or undetermined reports generally ranges from immediately upon determination to 10 years.⁵ A few States, however, do not permit unfounded reports to be placed on the registry at all.

Substantiated reports are usually retained longer, typically, at least until the child victim has reached adulthood.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, 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.

² 42 U.S.C.A. § 5101 et. seq. (2003).

³ 42 U.S.C.A. § 5106a(b)(2)(A)(xii) (2003).

⁴ Ten States (Alaska, Idaho, Kansas, New Mexico, North Dakota, Ohio, Oregon, Tennessee, Texas, and Wisconsin) and the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands do not have provisions in statute for the expunction of child abuse and neglect records.

⁵ For more information, see Chapter 4, *National Study of Child Protective Services Systems and Reform Efforts: Review of State CPS Policy* (2003), 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: aspe.hhs.gov/hsp/CPS-status03/state-policy03/index.htm