

When DCF investigates a report of child abuse or neglect, we must decide whether a reasonable person would believe that it happened. If the answer is YES, the report is substantiated and the person's name is added to the Child Protection Registry.

IF YOU'RE SUBSTANTIATED

What's in my registry record?

1. Your name
2. At least one other fact to help identify you (e.g., date of birth)
3. The date & nature of the finding

If added on/after July 1, 2009, it also includes a *designated child protection level*. The level is based on the risk of future harm to children.

Level 1 is assigned if there:

- Was substantial child endangerment
- Is a high risk of future harm
- Are any court decisions for related conduct

Level 2 is assigned for all other substantiations

Can the public access the registry?

No. The public may NOT access the registry; however, a current or potential employer may access it if the work involves children, youth or vulnerable adults. *Your permission is needed.*

How can my record affect me?

It could affect your ability to:

- ▶ Adopt a child
- ▶ Become a child care provider
- ▶ Provide foster/respice care
- ▶ Work or volunteer in positions involving children, youth or vulnerable adults

Can I challenge a substantiation?

Yes, you can. If you were substantiated:

Before September 1, 2007:

You may request a review to challenge the substantiation — at any time.

On/after September 1, 2007:

You may request a review to challenge the substantiation — within 14 days of when we mailed a letter telling you:

- ▶ We intend to add your name to the registry
- ▶ About your right to request a review

REVIEW TO CHALLENGE A SUBSTANTIATION

What happens at the review?

- ▶ An independent contractor will conduct the review
- ▶ Before it takes place, you'll be given:
 - The time and place of the review
 - The review procedures (i.e., how to submit the information you'd like the reviewer to consider)
 - Copies of investigative documents (as authorized by law)

What happens after the review?

The reviewer may:

- ▶ Uphold the substantiation
- ▶ Reject or overturn it
- ▶ Direct DCF to reopen the investigation

We'll notify you of the decision. If the reviewer upholds the substantiation:

- ▶ Your name will be immediately added to the Registry (*or stay on the registry if it's already there*)
- ▶ You may appeal the decision to the Human Services Board

What happens if I don't request a review in the time allowed?

- ▶ Your name will be added to the registry (*or stay on the registry if it's already there*)
- ▶ The decision will be final
- ▶ You'll have no further right to request this type of review

REVIEW TO HAVE YOUR NAME REMOVED

Can I get my name removed?

As long as you are NOT required to register on the Sex Offender Registry, you may request a review to have your name removed (*expunged*) from the registry. You may do so after:

It's been on at least three (3) years if:

- ▶ Your name was added to the registry before July 1, 2009
- ▶ Your name was added to the registry on/after July 1, 2009 and your *designated child protection level* is 2
- ▶ You were substantiated before you turned 18

It's been on at least seven (7) years if:

- ▶ Your name was added to the Registry on/after July 1, 2009 and your *designated child protection level* is 1

What happens at the review?

You'll get the chance to present information. The DCF Commissioner will consider:

- ▶ The nature and number of substantiations
- ▶ How long it's been since the last one
- ▶ Whether a similar incident is likely to happen again
- ▶ Activities that may reflect changed behavior (e.g., therapy or education)
- ▶ References that attest to your good moral character
- ▶ Any other information the Commissioner feels is relevant

You'll be notified of the decision. If your request is denied, you may appeal to the Human Services Board.

TO REQUEST A REVIEW

Complete the applicable side(s) of the attached form and then mail it to the address on the form.

You have the right to:

- ▶ Free interpretation services if you have limited English
- ▶ Reasonable accommodations if you have a disability



Vermont's Child Protection Registry

