

The Child Protection Registry is a database of substantiated child abuse and neglect reports dating back to January 1, 1992.

A report is substantiated if, following an investigation, the Department for Children and Families (DCF) determines that it is based on accurate and reliable information that would lead a reasonable person to believe the child was abused or neglected.

Registry Records

Each registry record includes:

- The name of the individual substantiated for abuse or neglect;
- The date and nature of the finding;
- At least one personal identifier other than the person's name; and
- A designated child protection level¹ for individuals placed on the Registry on or after July 1, 2009.

¹ A *child protection level*, related to the risk of future harm to children, is assigned as follows:

Level 1 is assigned if:

- The substantiation involves substantial child endangerment;
- There are court adjudications for related conduct; or
- There is a high risk of future harm.

Level 2 is assigned for all other substantiations.

Risk of Future Harm

To assess the risk of future harm, we consider factors such as:

- The nature of the conduct and extent of the child's injury if any; and
- The person's:
 - ▶ History of child abuse or neglect;
 - ▶ Response to the investigation;
 - ▶ Willingness to engage in recommended services; and
 - ▶ Age and developmental maturity.

Impact of a Registry Record

Having a registry record may affect a person's ability to become a:

- Foster parent, adoptive parent, and child care provider;
- Employee of facilities regulated by DCF and residential facilities for children, youth, or vulnerable adults; and
- Volunteer, contractor, employee, or grantee who provides care, custody, treatment, transportation, or supervision of children, youth, or vulnerable adults.

If you were substantiated for child abuse or neglect, you may request:

- 1. A review to challenge the substantiation; and**
- 2. A review to have your registry record expunged (or removed).**

1. Challenging Substantiation

If you were substantiated before September 1, 2007: you are listed on the Registry and may request a review to challenge the substantiation at any time.

If you were substantiated on or after September 1, 2007: DCF will send you a letter informing you about:

- ▶ Our intent to add your name to the Child Protection Registry¹; and
- ▶ Your right to request a review within 14 days of when the letter was mailed².

If you don't request a review within the time allowed, your name will be added to the Registry, the department's decision will be final, and you'll have no further right of review.

What happens if I request a review?

The review will be conducted by an independent reviewer. Before it takes place, you will be provided:

- The time and place of the review;
- The review procedures, including ways you can submit information you'd like the reviewer to consider; and
- Copies of investigative documents as authorized by law.

1. The Commissioner has the right to immediately add a person's name to the Registry in cases involving sexual abuse or serious physical abuse.
2. The Commissioner may grant a waiver and permit a review beyond the given time for "good cause" (e.g., acquittal or dismissal of a criminal charge arising from the incident of abuse or neglect).

What happens after the review?

The reviewer may:

1. Reject or overturn the substantiation;
2. Uphold the substantiation; or
3. Place it on hold and direct DCF to investigate further.

You'll be notified of the decision. If the reviewer upholds the substantiation:

- Your record will be immediately added to the Registry (if you already have a registry record, it will remain); and
- You may appeal the decision to the Human Services Board.

2. Requesting Expungement

You may request a review to have your registry record expunged (*removed*) after it has been listed:

For at least three (3) years if:

- Your name was placed on the Registry before July 1, 2009.
- Your name was placed on the Registry on or after July 1, 2009 AND your designated child protection level is 2.
- You were substantiated before you turned 18. *If you were substantiated before age 10, your record will be automatically removed when you turn 18 — provided you have had no subsequent registry records.*

For at least seven (7) years if:

- Your name was placed on the Registry on or after July 1, 2009 AND your designated child protection level is 1.

What happens if I request a review to have my record expunged?

You'll be given the chance to present evidence and witnesses that support your request for removal. You have the burden of proving that a reasonable person would believe you no longer present a risk to the safety or well-being of children.

The Commissioner will consider:

- The nature and number of substantiations;
- The amount of time that has passed since a substantiation;
- The circumstances of the substantiation and whether a similar incident is likely;
- Activities that reflect on your changed behavior or circumstances (e.g., therapy, employment, or education); and
- References that attest to your good moral character.

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

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To Request a Review:

Complete the attached form and mail it to:

Commissioner's Registry Review Unit
103 S. Main Street

Waterbury, VT 05671-2401

Email: Registry.Review@state.vt.us

dcf.vermont.gov/child_protection_registry



The Child Protection Registry

