

NATIONAL RESOURCE CENTER FOR CHILD PROTECTIVE SERVICES

Technical Assistance Report



Prepared for Indiana Department of Child Services
By Theresa Costello, Director NRCCPS
On-site dates: January 5, 2006

Please indicate which responses were employed in this T/TA:

- Technical Assistance
- Training
- Phone Consultation
- Referral to another NRC
- Referral to Other Organization
- Review of Policy and Materials
- Publications Provided
- Secondary Research
- Other

(Please explain the Service Responses in the report which follows)

Situation and Technical Assistance Request

Judge Payne and his staff requested assistance with several items related to supporting their CAPTA compliance.

1. To receive information on the definitions of fatality and near fatality – comparisons of how other states define these.
2. To receive information on how states carry out the administrative requirements for appeals of substantiated findings. How many appeals can Indiana anticipate? How can this be staffed/managed?
3. Identification of other states which prohibit out of state placements.
4. Assistance in establishing Citizen Review Panels using existing Child Protection Teams.

Site Visit

The on-site visit was simply to better understand the request and the specific needs Indiana wants to see addressed.

The following is a summary of the information we were able to gather in response to the items listed above. The National Clearinghouse on Child Abuse and Neglect Information assisted in helping us locate information and answer some of the questions.

1. To receive information on the definitions of fatality and near fatality – comparisons of how other states define these.

CWLA National Data Analysis System provides a table on Child Abuse and Neglect Fatalities Definitions from the States. That table is provided below:

**Child Abuse and Neglect Fatalities
Definitions from the States**

State	Definition
Alabama	Child abuse or neglect death is defined as: Permanent cessation of all vital functions. Guidelines include: abuse allegation may only be used when a child dies as a result of physical abuse; neglect is blatant disregard of parental (or caretaker) responsibilities which result in the child's death.
Alaska	This agency is in the process of developing a definition of a child abuse or neglect death. A draft version of this definition is : A child abuse or neglect death is a death caused by an injury suffered through abuse and/or neglect or death in which abuse and/or neglect was the primary contributing factor. Child abuse or neglect means the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 by a person under circumstances that indicate that the child's health or welfare is harmed or threatened thereby.
Arkansas	The Division of Children and Family Service Child Maltreatment Assessment Protocol (PUB-357) definition states - Total irreversible cessation of cerebral function, spontaneous function of the respiratory system and spontaneous function of the circulatory system. The final and irreversible cessation of perceptible heart beat and respiration. A direct non-accidental action of the parent or caretaker (abuse). The failure of the parent or caretaker to make reasonable efforts to stop an action by another person which resulted in the child's death.
California	Current California law allows counties to establish interagency local child death review teams (CDRT's). These teams exist in all 58 counties and, with variations, consist of staff from local child protective agencies, law enforcement agencies, district attorneys, coroner investigations, and medical examiners. Local CDRT's evaluate the circumstances surrounding the death of children with the goals of determining the facts in the specific case reviewed and identifying actions that might prevent future deaths from occurring. In addition to obtaining details about specific child fatalities, these reviews enhance local agency coordination and improve child protection systems. There is no one definition of child abuse and neglect (CAN) fatalities. Based on the review of each case, this determination is based on findings made by local law enforcement agencies, county (local) child welfare services (CWS) agencies, and

	local CDRT reviews.
Colorado	Abuse and/or neglect resulting in death by anyone who is a parent or caretaker or an individual designated as having temporary responsibility.
Connecticut	The Medical Examiner determines the cause of death. However, if for example, a child dies of drowning or asphyxiation in a car, DCF could make a neglect determination based on the results of the CPS investigation.
Delaware	Delaware defines a child abuse or neglect death as any child ages 0 - 18 who died as a result of any abuse or neglect.
District of Columbia	The District of Columbia has no statutory or regulatory definition of what constitutes a child abuse or neglect death.
Florida	Florida defines a child abuse or neglect death as a non-accidental death as the result of any maltreatment and when the person responsible is the parent, an adult household member or other person responsible for the child's welfare.
Georgia	In Georgia there is not a state definition of what constitutes a child abuse or neglect death. The definition for Child Abuse (O.C.G.A. 19-7-5) is: "Physical injury or death inflicted upon a child by a parent or Caretaker thereof by other than accidental means; provided, however, physical forms of discipline May be used as long as there is no physical injury to the child." Data in this report comes from CPS investigations made by department staff who are guided by O.C.G.A 19-7-5. The other systems In the state that report child fatality data are working under different parameters and requirements.
Idaho	<p>16-1602. Definitions. For purposes of this chapter:</p> <p>(a) "Abused" means any case in which a child has been the victim of:</p> <p>(1) Conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture, of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiable explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or</p> <p>(2) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes or other similar forms of sexual exploitation harming or threatening the child's health or welfare, or mental injury to the child.</p> <p>"Neglected" means a child:</p> <p>(1) Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; provided, however, no child whose parent or guardian chooses for such child treatment by prayer through spiritual means alone in lieu of medical treatment, shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but further provided this subsection shall not prevent the</p>

	<p>court from acting pursuant to section 16-1616, Idaho Code; or</p> <p>(2) Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity; or</p> <p>(3) Who has been placed for care or adoption in violation of the law.</p>
Illinois	<p>In Illinois, child abuse or neglect death is defined as a permanent cessation of all vital functions that resulted from:</p> <p>1) A direct action of the parent, caretaker, immediate family member, other person residing in the child's home, the parent's paramour, or other person responsible for the child's welfare; (ABUSE) or</p> <p>2) The failure to make reasonable efforts to stop an action by another person which resulted in the child's death (ABUSE), or</p> <p>3) Blatant disregard of parental (or other person responsible for child's welfare) responsibility which resulted in the child's death (NEGLECT).</p>
Indiana	<p>A child abuse or neglect death is defined as any death reported to or discovered by the Division of Family and Children that resulted in a substantiated abuse or neglect allegation.</p>
Iowa	<p>Iowa defines a child abuse or neglect death as a child death as the result of action or lack of action by the child's caretaker(s).</p>
Kentucky	<p>A child abuse or neglect death is defined as any unanticipated death that results from statutorily defined abuse or neglect and was caused by someone exercising custodial control of the child.</p>
Maryland	<p>Maryland defines a child abuse or neglect death as a death resulting from an act committed (abuse) or omitted (neglect) by a caregiver.</p>
Massachusetts	<p>Massachusetts defines a child abuse or neglect death as a death caused by the non-accidental commission of any act by a caretaker upon a child under 18 years of age or the failure of a caretaker, either deliberately or through negligence, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, or other essential care.</p>
Minnesota	<p>A child abuse or neglect death is defined as the death of a child attributed to maltreatment or in which maltreatment may be a contributing cause from suspected abuse, neglect, or maltreatment.</p>
Missouri	<p>Child who is under the age of 18 who is eligible to receive a certificate of live birth who died as a result of abuse or neglect, per RSMo. 210.109.</p>
Nevada	<p>There is no specific definition provided for a child abuse and neglect death. Nevada law defines murder as is the unlawful killing of a human being with malice aforethought, either expressed or implied, or caused by a controlled substance which was sold, given, traded, or otherwise made available to a person in violation of chapter 453 of NRS. The unlawful killing may be effected by any of the various means</p>

	by which death may be occasioned.
New Jersey	A child abuse/neglect death is the result of an action or inaction of a person or persons in a caregiving role. Deaths caused by non-caregivers or strangers are not included.
New Mexico	The New Mexico Child Fatality Review Team definition includes all reported deaths of children due to fatal injury or other undetermined cause from birth to 24 years of age.
New York	New York is a state supervised, county administered system. Reports of suspected child abuse or maltreatment are made to the State Central Register for Child Abuse and Maltreatment (SCR). In most instances, local county social services departments investigate the cases. When a report to the SCR alleges that a child has died as the result of abuse and/or maltreatment at the hands of a caretaker, the State reviews the investigation and issues a fatality report. If the fatality allegation in such reports was substantiated by the county investigating the report, this is considered a child abuse or neglect death. Investigations may include children who die in family settings, in residential care, or in day care.
North Carolina	<p>In North Carolina, determining whether a child's death is suspected to be the result of abuse, neglect or dependency, the following indicators should be considered:</p> <p>Asphyxiation - If there is information that indicate that the child may have been smothered or suffocated.</p> <p>Bathtub drowning - The age of the child is an important factor. A fatality resulting from a young child being left alone in the bathtub should be considered suspicious.</p> <p>Burns - Any indication that a child may have been in a room with a space heater or any other incendiary device (matches, lighters) should be considered suspicious.</p> <p>Drug Ingestion - Prescription drugs, illicit drugs and household and chemicals should be cause for suspicion.</p> <p>Gunshot Wound - The presence of a gun in the child's home and how easily accessible it was, should be considered in deciding whether the death was the result of neglect</p> <p>House Fires - Fires should always be considered suspicious if prior CPS reports involved allegations of lack of supervision of any child in the home.</p> <p>Malnutrition - A history of neglect, including reports that the children were not being fed properly, should be cause for suspicion.</p> <p>Motor Vehicle Accidents - If substance abuse has been included in prior CPS allegations, there is cause for suspicion.</p> <p>Sexual Abuse - Any physical findings that could reasonably lead to the suspicion that a child may have been sexually abused should be considered as maltreated.</p> <p>Suicide - If there have been any indications that parents or caretakers had any knowledge of a child's ongoing depression or sadness and did not seek treatment, then this should be considered as possible neglect.</p> <p>Undetermined - This should always be considered as suspected maltreatment.</p>

North Dakota	North Dakota does not have a formal definition for child abuse or neglect fatality. The definition used to provide child abuse and neglect fatality data in response to the CWLA survey is as follows: The child's death must be ruled a homicide, with the fatal injury/event committed by an adult.
Ohio	A child abuse or neglect death is not defined in Ohio Revised Code or Ohio Administrative Code.
Oklahoma	<p>Neglect deaths - When a normally prudent person could have foreseen significant risk to a child and the person responsible for the child failed to act accordingly. This category can also include failure to protect a child from someone who physically abused the child causing the child's death. Generally this does not include traffic fatalities with unrestrained children.</p> <p>Abuse deaths - An act of commission by the person responsible for the child. Generally, this would not include a child born drug exposed that dies due to birth defects. Child fatalities include children birth up to age 18.</p>
Oregon	<p>In Oregon, a child fatality by abuse occurs when a child is beaten, burned, shaken, smothered, shot strangled, stabbed, abducted and killed, poisoned, tortured, denied medical treatment, or left exposed to the elements; by one of the following:</p> <ul style="list-style-type: none"> * a parent, caretaker or guardian. <ol style="list-style-type: none"> 1. This would include a day care provider or someone left in charge of and at least temporarily responsible for the care and safety of the child. 2. This would also include someone left in charge of a child who was not the initial caretaker (such as a friend or relative of the babysitter who took over when the sitter left the area for a period of time). <ul style="list-style-type: none"> * a biologically or non-biologically related person living in the household (i.e. mom's boyfriend, a relative, a roommate, guest, etc.) * an unrelated person not living in the household (i.e. neighbor, babysitter, stranger, teacher, coach, acquaintance). <p>The injuries must either be the cause of death (i.e. gunshot, stabbing, shaken baby), or the result of some purposeful behavior by the perpetrator directly leading to the death (e.g. when a child is denied food, water or medical treatment until death occurs).</p> <p>A fatal assault to the child is abusive when non-accidental; this does not exempt situations where the perpetrator says he/she "didn't mean to" cause the death (ex., when a frustrated boyfriend/mother/caretaker smothers the child to quiet its' crying).</p>
Rhode Island	The department regards any death related to criteria that comprise child abuse and neglect whether known or unknown to the department as the definition of a child abuse and neglect death.
South Carolina	As outlined by the Children's Code Reform Act of 1996, a death which is the direct result of acts or omission by the child's parent, guardian, or other person responsible for the child's welfare, excluding incidental caregivers, which resulted in the harm to

	the child's physical health or welfare.
South Dakota	South Dakota defines a child abuse or neglect death as a child death that has not occurred due to natural or accidental causes and meets the state's legal definition of child abuse and neglect.
Tennessee	The legal definition of severe child abuse is the knowing exposure of a child to or the knowing failure to protect a child from abuse or neglect that is likely to cause great bodily harm or death and the knowing use of force on a child that is likely to cause great bodily harm or death.
Texas	<p>This is defined as any child who dies of child abuse/neglect as defined by the Texas Family Code. Exerts from the code relating to these definitions are as follows:</p> <p>SUBTITLE E. PROTECTION OF THE CHILD</p> <p>CHAPTER 261. INVESTIGATION OF REPORT OF CHILD ABUSE OR NEGLECT</p> <p>SUBCHAPTER A. GENERAL PROVISIONS</p> <p>Sec. 261.001. Definitions.</p> <p>In this chapter:</p> <p>(1) "Abuse" includes the following acts or omissions by a person:</p> <p>(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;</p> <p>(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;</p> <p>(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;</p> <p>(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;</p> <p>(E) sexual conduct harmful to a child's mental, emotional, or physical welfare;</p> <p>(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;</p> <p>(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code;</p> <p>(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;</p> <p>(I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical,</p>

mental, or emotional injury to a child; or

(J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code.

(4) "Neglect" includes:

(A) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

(B) the following acts or omissions by a person:

(i) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

(ii) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

(iii) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused; or

(iv) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or

(C) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

(5) "Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:

(A) a parent, guardian, managing or possessory conservator, or foster parent of the child;

(B) a member of the child's family or household as defined by Chapter 71;

(C) a person with whom the child's parent cohabits;

(D) school personnel or a volunteer at the child's school; or

(E) personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides.

	<p>Please note that this statute, along with the rest of the Texas Code, can be found on the internet at:</p> <p>http://capitol.tlc.state.tx.us/statutes/statutes.html.</p>
Utah	<p>A child abuse or neglect death is defined as a death as the immediate result of abuse or neglect as fits our definitions or as a result of non-accidental trauma. To see the complete list of allegations and definitions please consult the child welfare manual on our web page at http://www.hsdccfs.state.ut.us/</p>
Vermont	<p>Vermont defines a child abuse or neglect death as any child death from intentional causes caused by the actions of a caretaker.</p>
Virginia	<p>A child abuse or neglect death is not defined in code or regulation. If a fatality is determined to be the result of abuse or neglect as defined by CPS regulation, the fatality is counted as an abuse or neglect death.</p>
Washington	<p>Abuse deaths are usually classified as homicides by the coroner or medical examiner. If the perpetrator of the inflicted injury that resulted in the child's death is a caretaker of the child, i.e., parent, step-parent, parent's paramour, guardian, etc., it is classified as an abuse death. If the perpetrator is someone else outside the home, it will be classified as a homicide, but not as child abuse.</p> <p>Neglect deaths are not as easily determined. It is extremely rare for a coroner or medical examiner to report that a child died as a result of neglect. Most deaths resulting from neglect are classified as accidental on the death certificate. Within our agency, we review these deaths in the light of four questions to make a decision as to whether or not we classify the death as resulting from neglect. Those questions are as follows:</p> <ol style="list-style-type: none"> 1. Was a lack of reasonable supervision/care a contributing factor in the death of the child? 2. Did a physical hazard contribute to the child's death and would the caretaker be reasonably expected to eliminate it? 3. Was medical care/treatment reasonably available but not provided due to the parent's or caretaker's failure to act? 4. Was the caretaker's judgement/ability to recognize danger impaired due to mental illness, youth/immaturity, and/or alcohol or drug use?
West Virginia	<p>Effective for 1998, the West Virginia Child Fatality Review Team defined a child abuse or neglect death as any situation where caretaker physical abuse or failure to provide adequate care or supervision, intentional or unintentional, contributed to the death of the child.</p>
Wisconsin	<p>Wisconsin defines a child abuse or neglect death as a death that results from substantiated child abuse or neglect, as defined in the statutes. Neglect includes lack of necessary care provided by parents or other caregivers. Abuse includes physical injury or sexual abuse committed by any other person.</p>

Source: The Child Welfare League of America. (1999). State Child Welfare Agency Survey.

Note: States that have not yet supplied a response have been excluded from this table.

Last updated 9/11/00

With regard to definitions of near-fatalities, we were unable to find anything more than what's in CAPTA. The CAPTA language provides some guidance, on Page 34 of the CAPTA booklet, 106(b)(4)(A) reads "the term "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition" . The Clearinghouse conducted a quick search of policy manuals and did not find any further elaboration on this.

Howard Davidson from the ABA Center on Children and the Law confirms in a recent paper that "few states have clearly defined the term "near fatality" or "serious injury" in their child maltreatment legislation, or in developed procedures and protocols that local teams and the state may use to review such cases." Howard's full paper related to Serious Injury is provided as an attachment to this paper.

2. To receive information on how states carry out the administrative requirements for appeals of substantiated findings. How many appeals can Indiana anticipate? How can this be staffed/managed?

This question has not been easy to answer. The closest we can come to state by state information on this question comes from the National Study of Child Protective Services Systems Reform Efforts: Review of State CPS Policy that was done in April 2003. (<http://aspe.hhs.gov/cps-status03>) The table below is copied from that study of state policy. The final column is the column which describes what the due process and appeals processes are, and it does indicate whether the appeals are handled by the child welfare agency, hearings officer, court or other.

State	Central Registry Required	Reports Included	Uses for Information	Expungement Rules	Due Process and Notification^a
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AK	No-only the client database which includes information	All investigation reports but not reports of harm.	Internal administrative, information sharing		
AL	Yes	All reports - excluding cases with no CAN, but case is opened.	Internal administrative, information sharing, employment and licensure	In cases "not indicated," after 5 years if no subsequent reports. Alleged perpetrator must request.	Appeal made to Attorney General's office. Alleged perpetrators working with children are entitled to court hearing, those not working with children entitled to administrative review (through the department). County department and perpetrator notified of expungement. Confidentiality provisions for unsubstantiated cases. State notifies alleged perpetrator.
AR	Yes	All investigated reports and any record of screened out reports.	Internal administrative, information sharing, employment and licensure	Unsubstantiated shall be expunged "promptly." Department may keep information on unsubstantiated reports for risk assessment but may not disclose except as specified by law. "True" reports shall be maintained.	Appeal is available, source not specified. Department must notify reporter of whether or not an investigation has been conducted and services offered within 10 days.
AZ	Yes	Substantiated reports after the appeal process.	Internal administrative, information sharing, adoption certificate and licensure, report CAN trends, assure compliance with statutory requirements.	Substantiated reports are maintained in registry for 25 years from date of report.	Appeal made to Office of Administrative Hearings. Other provisions: internal review by Protective Services Review Team.
CA	Yes	All reports except unfounded	Internal administrative, information sharing, employment and licensure	For inconclusive or unsubstantiated reports after 10 years with no subsequent report or victim over age 18 may request name be removed.	Notify reporter of disposition. Upon request will notify an individual of their registry status.

CO	Yes	Confirmed reports	Background checks for school and childcare employees; criminal background checks by law enforcement.	Sealed 10 years after child's 18 th birthday. Director of registry may seal or expunge for good cause and with written notification to subject of report. Minor reports must be expunged after 6 months unless there is a Dependency and Neglect or criminal filing.	Subject notified of placement on registry, right to appeal, and expungement. If the subject is acquitted but not expunged, the Central Registry must notify the subject and also of right to appeal. Policy states that appeals are made to the Central Registry Director. Per statute, subject has right to a fair hearing before an administrative law judge. County may object to acquittals. Department has burden of proof.
CT	Yes	Confirmed reports	Internal administrative; background checks for school and childcare employees, foster and adoptive parents and residential childcare facility staff; criminal background checks by law enforcement; inquiries from professionals, i.e. judges, physicians, under specific circumstances.	After child's 18 th birthday records are sealed, then expunged after 7 years.	Reporter notified of status of investigation. Appeals are made to Regional Administrator or the Director of the hotline. If subject desires, he or she may appeal to administrative hearing process of the State and then to courts.
DC	Yes	Substantiated, unsubstantiated maintained separately without perpetrator identification. All reports are entered; only "supported" reports will remain in registry.	Internal administrative, information sharing, background checks	18 th birthday of child if no suspicion or evidence that younger sibling being abused, or 5 years after end of services whichever is first.	Appeal made to Child and Family Service Agency Office of Fair Hearings.
DE	Yes	Substantiated reports; does not include	Internal administrative, health care and	Unsubstantiated reports may be kept by Division	Appeal made to Division Director. Subject notified of finding, right to a fair

		dependency cases.	childcare, employment and licensure	at its discretion by statute. No indication in policy.	hearing prior to placing name on registry.
FL	No-refers to hotline which keeps reports for 7 years or youngest child is age 18.	All reports	Internal administrative, employment and licensure	Until 7 years after last entry to record or child turns 18. Unfounded and No Findings cases may be expunged if requested but must consider child's safety and likelihood of returning to system By request of subject of report or child's parent. No open cases can be expunged.	Appeal not available for alleged perpetrator-a child's due process.
GA	No - Ruled unconstitutional and replaced by Protective Services Data System (PSDT).		Internal administrative	PSDT recording cancelled if review determines allegation should be unsubstantiated.	May request either panel review or administrative review but not both. Neither will be scheduled if decision on allegations made or pending in juvenile or superior court - court is recourse.
HI	Yes	All reports	Internal and administrative, employment and licensure, background checks for volunteers. Statute directs Department to establish rules for disclosure of information. None found in policy.	If petition dismissed by court or unsubstantiated shall be expunged within in 3 years. Ruled out, frivolous or bad faith allegations must be expunged within 60 days.	Appeal made to Department of Human Services. Appeal must be made within 90 days from which client is notified.
IA	Yes	Founded on registry. Assessment data shall not be placed on registry. Department may develop rules for maintenance of	Internal administrative, information sharing, Employment and licensure, information provision for subject	For founded cases data is sealed 10 years after last reported incident unless good cause is shown. Sealed data is expunged after 8 years unless case involves abuse,	Appeal made to DHS Appeals Section. Other provisions: record check, evaluation and court review, and registry review (informal process). Subject may file written Statement within 6 months of notification to request correction of data or

		data not placed on registry.		then kept for 30 years. Lack of preponderance that abuse has occurred.	findings. Department provides evidentiary hearing. Subject may appeal finding of hearing in district court.
ID	Yes	Substantiated reports	Employment and licensure	Report is expunged no less than 5 years after Department has closed the case. As of 3/02, when a person has successfully appealed.	Appeal made to Division administrator of Family and Community Services and regional program manager review appeals. Other provisions: Division Administrator works with Regional Program Manager for review.
IL	Yes	Indicated and unfounded under certain conditions (if requested to track false reporting, serious physical abuse, sexual abuse or child death).	Background checks for people who work with children as professionals or volunteers.	Unfounded expunged "forthwith" but information may be made available to CPS units when investigating a subsequent report or to subject of report if requested within 60 days.	If subject requests removal within 60 days and department refuses or does not act within 30 days, subject has right to hearing. Hearing conducted by Director or his designee. Department has burden of proof. Appeals are made to an appeals unit.
IN	Yes	Substantiated; "informal adjustment" made after 180 days if family fails to comply with services.	Internal administrative, information sharing, Employment and licensure	Expunged within 10 days if hearing officer finds it to be unsubstantiated, if court determines no CAN, criminal charges dismissed or result in not guilty verdict, No later than 6 months after name entered for failure to participate in a services agreement, not later than 20 years after court determines child in need of services or when victim reaches age 24. Expunged immediately for administrative or clerical error; 20 years or until	Administrative hearing may be requested within 30 days after notified of substantiated. Conducted by Administrative hearing officer. Department has burden of proof. Appeal made to Judicial Court.

				victim reaches 24 years of age (if court adjudicated), or 180 days for unsubstantiated cases.	
KS	Yes	Validated reports	Internal administrative, information sharing, employment and licensure	After 3 years from most recent incident or if new information found or circumstances change.	Appeals made to Secretary.
KY	Yes	Not specified- in process of changing criteria.	Internal administrative, information sharing, employment and licensure		Appeals made to Office of Performance Enhancement, Quality Initiatives Branch. Other provisions: CAPTA, local resolution hearings, service complaints.
LA	Yes	Valid Reports	Internal administrative, Information sharing, employment and licensure, ^b report CAN trends	If unable to locate client or client is uncooperative, report is expunged after 3 years. Justified maintained until child is 18 or 5 years have passed since findings, whichever is longer. Fatality investigations with a valid finding maintained for 20 years.	Appeals made to court. If report is recorded as justified and no petition is subsequently filed alleging the child is in need of care, subject may file a written motion for correction in parish court where finding was made.
MA	Yes	Supported cases. All reports unless determined "allegation invalid" (frivolous or absolute determination that no CA/N).	Internal administrative	If unsubstantiated expunged after 1 year. If substantiated when child reaches age 18 or 1 year after termination of services, whichever is last.	Appeals may be made and fair hearing conducted by hearing officer. Other provisions: Superior Court, grievance procedure (e.g., against social worker, decision).
MD	Yes	Indicated reports	Internal administrative, information sharing, employment and licensure	Unsubstantiated within 5 years if no further reports, if "ruled out" within 120 days if no further reports,	Appeal to office of Administrative Hearings, or to circuit court. Alleged perpetrator notified within 30 days of finding of substantiated or

				after 7 years for substantiated if no further entries for individual.	unsubstantiated of finding and opportunity to appeal.
ME	Yes	Substantiated reports	Internal administrative, information sharing, employment and licensure (excludes school employees)	Unsubstantiated expunged after 18 months with no additional report, may be retained for 5 years for Medicaid audits but stored separately. If a finding is overturned on appeal, report is expunged immediately.	Appeals go to Director, QA staff reviews, overturns are reviewed by Director or QA Supervisor. May appeal to superior court.
MI	Yes	Substantiated before July 1, 1999. Afterward Category I or II (child not safe and in need of services) or perpetrators who cause serious harm.	Internal administrative, information sharing, employment and licensure	If unsubstantiated (no timeframe given). If substantiated remains until subject is dead. Records can be expunged if child is safe and services don't need to be monitored, or if a case is downgraded to a less serious level.	Perpetrator must be notified within 30 days of right to request expungement or an administrative hearing if refused. Hearing is before hearing officer appointed by the department and requires preponderance of evidence. May hold a re-hearing upon new evidence or misapplication of the law. Appeal to local office, administrative hearing by local FIA office that conducted investigation. Other provision: only alleged perpetrator or alleged perpetrator's attorney can request expungement.
MN	No		Internal administrative, information sharing, employment checks are forbidden by statute.	No determination of maltreatment or need for CPS services records must be maintained for 4 years. If determination of maltreatment or need for CPS services must be maintained for 10 years after final entry.	
MO	Yes	Cases that are	Internal	Records are	Perpetrator and parents

		court adjudicated, show probable cause for CAN.	administrative, information sharing, employment and licensure	retained indefinitely. After 5 years if insufficient evidence of abuse and neglect is found, after 10 years if "unable to locate" subject may petition for removal after 1 year. Substantiated cases may be retained indefinitely.	notified of findings within 90 days. Have 60 days to request reversal. May seek administrative review by child abuse and neglect review board. Standard is probable cause. If unsatisfied may request judicial review in county of residence within 60 days. Appeals made to county office.
MS	Yes	All credible evidence reports	Internal administrative, employment and licensure	If subsequent information indicates credible evidence did not exist or decided as result of fair hearing process.	Subject may request a fair hearing within 10 days. Hearing conducted by department. Subject may be represented by an attorney. Appeal to MS Division of Family and Children's Services Protection Unit. Other provisions: Fair hearing, attorney representation, due process provided by CAPTA.
MT	Yes	All reports	Internal administrative; background checks for childcare workers and volunteers in service-providing agencies.	Within 30 days of finding that report is unfounded.	Subject may appeal to the division administrator, then may request Fair Hearing conducted by the department's hearing officer.
NC	Yes	All reports	Internal administrative, study of CAN trends, detection of repeat abuses of juveniles or siblings.		
ND	Yes	"Services required" reports	Internal administrative, information sharing, employment and licensure, background checks with written permission.	10 years from date of decision	Statute directs department to hold appeal hearings and adopt rules for doing so. Policy states that appeals made to Office of Administrative Hearings. Appeal made to DHS. Office of Administrative Hearings - conducts hearings.

NE	Yes	Substantiated, petition to be filed. Inconclusive or unfounded.	Information sharing, employment and licensure	Unfounded expunged "forthwith." Any record at any time if "good cause" and upon notice to subjects. Individuals may request expungement.	Subject may request expungement at any time subsequent to finding. Appeal made to department's legal division and local court. Subject has right to fair hearing within department conducted by department head or designee. Department has burden of proof. These decisions may be appealed under the Administrative Procedure Act.
NH	Yes	Founded reports	Internal administrative, information sharing, employment and licensure	Founded retained for 7 years. Unfounded at-risk reported maintained for 3 years. There is a proposal to expunge after 7 years- this would become statute and policy.	Fair hearing officer through Administrative Appeals Unit within DHHS. Other provisions: Administrative fair hearing. Perpetrators are notified and given opportunity to appeal.
NJ	Yes	Founded reports	Internal administrative, information sharing, employment and licensure	Unfounded must be expunged (no timeframe given). Name may be removed on successful appeal through Division's internal dispute procedures or court hearing.	Initial appeal made to local division office. Internal administrative and court hearings. Subject has right to representation, to bring witnesses, review records, ask questions and submit written statements.
NM	Yes	Substantiated reports	Information sharing, employment and licensure, background check for previous department involvement	An individual can request a review, the results of a review are noted in the record, but person's name will not be removed.	The results of any substantiated investigation which is not the subject of a court action may be reviewed through the Department's administrative review process.
NV	Yes	Substantiated	Internal administrative, information sharing, employment and licensure ^c	Unless credible evidence of CA/N must be expunged at conclusion of investigation or no later than 60 days after report filed, whichever	

				comes first. Substantiated reports sealed no later than 10 years after child turns 18.	
NY	Yes	All indicated reports	Internal administrative, background checks for school or childcare employees, screening foster and adoptive parents	Unfounded or successfully appealed reports are sealed except for department, court or law enforcement use in subsequent investigations. All expunged 10 years after 18 th birthday of youngest child named in report. Record may be expunged at any time by the Office of Children and Family Services if subject presents clear and convincing evidence that affirmatively refutes the allegation.	Subject may request amendment of record up to 90 days after notified of completion of investigation. If commissioner does not amend report within 90 days subject may request fair hearing held by department or designated agency. If denied may then request a court hearing.
OH	Yes	All reports	Internal administrative, study of CAN trends, detection of prior reports, information provision for subject	Expungement time frames are based on disposition or case resolution. "No risk" resolution is expunged after 3 months, "low risk" = 6 months, "low, moderate risk" = 1 year, "moderate risk" = 5 years, "moderate, high risk" = 10 years. Substantiated reports are expunged 10 years from date of disposition, indicated reports are expunged 5	Within 3 days of completion of the assessment/investigation, the Public Children Services Agency (PCSA) shall notify the alleged perpetrator in writing of the case disposition. Administrative appeal made to, and grievance review by, the PCSA. No appeal at State level. Written copies of grievance process must be given within 3 working days of request.

				years from date of disposition and unsubstantiated reports are expunged 3 months from the date of disposition unless subsequent reports are received. In the event that subsequent reports are received, reports are linked and maintained in accordance with longest retention timeframe.	
OK	No, but information system handles some functions.	All reports except finding of "reasonable parental discipline."	Information sharing with law enforcement, limited background checks on foster parents (for agency use only) and adoption applicants.	Expunged only by order of the court unless other State or federal law specifies otherwise. Finding of "reasonable parental discipline" also expunged.	Alleged perpetrator may appeal finding and placement of name on the information system. Administrative Review conducted at State office level.
OR	None for perpetrators, but registry for victims.	Founded reports	Internal administrative, information sharing, employment and licensure, tracking of child victims		
PA	Yes	Determined, founded, or indicated reports	Internal administrative, information sharing, employment and licensure, studies on CAN trends	Unfounded are expunged 120 days after year of the report (except for cases accepted for services = 1 year plus 120 days after closure). Founded and Indicated cases are expunged when subject child reaches the age of 23. Perpetrators	Person named as perpetrator may request amendment or expungement within 45 days of notification. Appeals made to Secretary of the department. If refused or not acted upon in 30 days, subject has right to hearing before the department's Bureau of Hearing and Appeals. Burden of proof is on the agency. Other provisions: Three levels-1:

				with date of birth or social security number information are kept indefinitely. Secretary may expunge at any time for good cause. If report is unfounded but subjects found to need services arranged by the county, the county may retain the record but identify it as unfounded.	administrative review and OCYF, 2: hearing with bureau of hearings and appeals, 3: court system.
RI	Yes	All reports	Internal administrative, information sharing, employment and licensure, study of CAN trends	Unfounded destroyed 3 years. Indicated cases never expunged, except if appeal is in favor of alleged perpetrator.	Appeal decided by administrative hearing officer. Can appeal to family court and as high as supreme court.
SC	Yes	Only court ordered perpetrators.	Internal administrative, information sharing, employment and licensure, study of CAN trends	Information identifying alleged perpetrator must be removed immediately upon determination of unfounded. Category II and III unfounded record may be retained for 1 year. Other information must be destroyed 7 years from date services are terminated. Department may maintain "indicated report" without information identifying a perpetrator.	Appeal to family court. Other provision: CPS Appeals Committee or family court.
SD	Yes	Substantiated reports	Internal administrative, information	Unsubstantiated must be expunged after 3 years if no	Appeal to department through informal review process. Appeal process

			sharing, employment and licensure(except schools)	subsequent reports. Substantiated may be removed after 7 years if individual requests a hearing and can prove by preponderance of the evidence that information should be removed. (Court adjudicated perpetrator may not request information removal.) Individual may request that inaccurate information be removed.	occurs before name placed on Central Registry. Perpetrator is notified 30 days before name goes into registry, during which time they can begin appeal process. Subject may request amendment or expungement in writing within 30 days of notice of substantiated. If denied or department does not act within 30 days may request an administrative hearing. Decision made by department but is subject to judicial review.
TN	Yes	All reports	Internal administrative, information sharing, employment and licensure ^d	When a "defendant is found not guilty of severe child abuse or sexual abuse."	Appeal made to Commissioner's office. Other provisions: when a person's employment or volunteer status is affected.
TX	Yes	Disposition of "reason to believe" or person designated as the perpetrator.	Internal administrative, information sharing, and other background checks, employment and licensure (except schools)	Retained until 18 th birthday of youngest child in the investigation or 5 years after case is closed whichever is first. If case involves removal, case is not expunged.	Alleged perpetrator may request administrative review during investigation and a hearing regarding the department's decision to release information. Appeals made to TDPRS administrator not involved in the case. Other provision: Other appeals go to PRS Ombudsman and administrative law judge.
UT	Yes	Confirmed reports	Internal administrative, information sharing, employment and licensure ^d		Subject may challenge finding within 30 days of notification. Division may approve or deny. If Division requests it or fails to act within 30 days Office of Administrative Hearings and to district court holds adjudicative proceedings.
VA	Yes	Central Registry for	Internal administrative,	Unfounded are maintained for 1	Appeal goes to local department; can be filed

		founded. Unfounded are kept in separate data system accessible only to department and local departments.	employment and licensure, information provision for subject. Statute doesn't specify except for background checks for volunteers with specified community agencies.	year in SACWIS; not kept in registry. Date of report if no subsequent reports. Department may keep them for up to 2 more years if requested by subject. Records may be purged immediately if court orders that civil action has determined bad faith. Founded level 1 expunged 18 years past date of complaint, level 2 expunged 7 years after date of complaint and level 3, 3 years after complaint.	with State if appeal is upheld at local level. Other provisions: hearing with State hearing officer or circuit court.
VT	Yes	Substantiated	Internal administrative, employment and licensure Information sharing with law enforcement, and employment checks are forbidden by statute.	Information entered on individuals under age 10 will be expunged upon 18 th birthday. Name of alleged perpetrator for unsubstantiated cases destroyed if no court proceeding brought within 1 year, kept indefinitely for substantiated cases of notification. All records destroyed when child reaches the age of 18. If family, when youngest child reaches age of 18.	Person may apply at any time for review. Three levels: review by district director, review by commissioner and review by Human Services Board that holds a fair hearing.
WA	No - perpetrator's name recorded on CAMIS information	All investigations, log of screened out cases		At the end of 6 years from receipt, an unfounded report shall be purged	Person identified as the perpetrator shall be notified by certified mail with return receipt. Person named as perpetrator in

	system.			unless there has been a subsequent report.	founded report has the right to request review and amendment of finding within 20 days of receipt of written notification. The appeal is initially filed with the area administrator, then they can appeal to administrative law judge and then to superior court.
WI	No	All reports	Internal administrative, information sharing, licensure ^e		
WV	Yes	Only cases with criminal convictions	Information sharing, employment and licensure	All shall be destroyed six years following their preparation unless there are pending proceedings. N/A (since all are criminal convictions).	No appeal process because part of criminal process.
WY	Yes	Founded, under investigation, except when alleged perpetrator is a minor.	Internal administrative, information sharing, employment and licensure	Data error, new evidence, change of findings due to administrative review, fair hearing, or district court appeal, rehabilitation is demonstrated as determined by panel, death of alleged perpetrator. Within 6 months, reports classified as under investigation must be classified as founded or unfounded. Unfounded must be expunged. Founded may be expunged if error shown, new evidence, successful appeal,	Appeal may be made initially to District Manager who attempts to resolve dispute. From there they go to an administrative hearing. Hearing Officer is provided by the department. Perpetrators may also provide a written statement for the file during investigation and up to 20 days after disposition.

				rehabilitation is shown as determined by a panel appointed by Director, allegations substantiated at "low risk" or death of perpetrator.	
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^a Notifications listed only if mentioned specifically as required in statute or policy. Most States allow access to Central Registry information to perpetrators, parents or guardians, or reporters. These are not listed specifically unless they mention required notification.

^b Limited to courts for CASA volunteers and caregivers for anyone that will be caring for their children. ^c Limited to potential adoptive parents.

^d Limited to screening childcare providers

^e Facilities only

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3. Identification of other states which prohibit out of state placements, particularly California.

Once again the Clearinghouse researched this issue and with regard to California, there is no statute that prohibits placements out-of-state. Quite the contrary, actually. out-of-state placements must be justified, with documented compelling reasons why an in-state placement could not meet the child's needs. And if the child must be placed in an out-of-state group home or facility, that home or facility must be compliant with CA state standards.

Howard Davidson confirms that he is not aware of any state prohibiting out-of-state placement.

4. Assistance in establishing Citizen Review Panels using existing Child Protection Teams.

Use of existing Child Protection Teams to meet the Citizen Review Panel requirements is certainly within the requirements. We have gathered basic information and materials to support the education/orientation of the CRP and those materials are

attached. NRCCPS can provide the overview/orientation for the panels and help with establishing a strategic plan for their operations.

Next Steps

Based upon review of this information, NRCCPS can do some additional, specific state inquiry if it is necessary. The SLO listserve could be used to post some questions, or direct state contacts of selected states.

NRCCPS will work with Judge Payne and others to determine a date to orient/train the CRP's.