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CENTRAL REGISTRIES FOR CHILD ABUSE AND NEGLECT

A NATIONAL REVIEW OF RECORDS MANAGEMENT,
DUE PROCESS SAFEGUARDS, AND DATA UTILIZATION

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BY

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Preface

This report presents results from a 23-month study of central registries for child abuse and neglect. The research has been designed to provide a snapshot of registry operations in 1986 and 1987 and to raise major issues relating to registry management, due process considerations, and the uses of registry data. The goals of the project are to provide (1) a basic up-to-date description of recordkeeping, due process safeguards, and data usage in central registries; (2) an evaluation of characteristics of registries; (3) documentation of successful innovations and uses of technology; and (4) recommendations to improve registry operations.

Part I of the report introduces the concept of registries in the context of the debate over the primacy of treatment versus due process. The goals of registries, as originally conceived and as they evolved, are also discussed in Part I. Part II covers a survey of state central registries and the methodology employed to obtain the data, a prototype of two models of registries that guided the survey research, an empirical description of central registries as they existed in 1986 and 1987, and, finally, a suggested scheme for classifying registries. Part III describes how sites were selected for visits and presents the results of site visits to nine states. Each site report is organized according to the areas of recordkeeping, due process, and data usage. Finally, Part IV presents the conclusions drawn from this research and the implications that follow from the conclusions.

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ABSTRACT

In 1985, an estimated 1,928,535 children were reported to child protective services in the United States as victims of abuse and neglect. All states require that certain persons report child maltreatment, and most states have established a state-wide central registry to record these reports. The National Center for State Courts' Central Registries for Child Abuse and Neglect Project received funding from the National Center on Child Abuse and Neglect to provide an up-to-date description of central registry recordkeeping, due process safeguards and uses of data.

Data on all registries were gathered by a mailed questionnaire survey sent in 1986 and a telephone survey which updated the survey data to 1987. To add flesh to the skeleton of survey findings, a three-person team visited nine registries to document in detail how registries operate in practice, and to observe innovative procedures or uses of technology. On the basis of these sources of information, staff concluded that there is more variety of recordkeeping practices, due process safeguards, and uses of data than expected. Moreover, every registry was in the process of changing some aspect of its operation, especially the way records were kept, risk assessment was conducted, the hotline was operated, or the computer system was configured. Because the changes were not consistent in one direction, they could not be called trends. For example, some registries were removing unsubstantiated cases from the register while others were modifying their programs to add unsubstantiated cases to the register.

The functions registries were established to perform in the 1960's have changed significantly in the 1980's. The original goals for which registries were established--diagnosis, tracking, research, and case management all have undergone change, yet registries continue to be evaluated on the basis of how they perform these original functions rather than on the basis of how they perform the changed functions of registries. Differences in the expectations and realities of registry functions may account for some of the criticism registries have received and for some of the frustration registry personnel have experienced.

Because many states have concluded that all reasonable suspicions should be reported, regardless of whether or not prior reports exist, and because diagnosis and tracking require a tremendous amount of resources to be effective, registries should not be judged on their ability to assist treatment alone. Some diagnosis and tracking may be the result of searching registry records for prior reports, but it is more appropriate to consider these searches as a clearinghouse function and evaluate registries on how well the register is organized to record, retrieve, and store information. Registries organized to perform the clearinghouse function well will have sufficient data for management and planning purposes, and the ability to provide information to the public as well. The original purpose of conducting research on registry data to determine the nature and incidence of child abuse and neglect also has proven to be more elusive than anticipated. A promising line of contemporary research is the development of risk assessment models to help child protection workers predict children at risk in given situations.

A relatively new use of registry information is for screening applicants for positions of trust with children--suitability as adoptive

or foster care parents, eligibility for day care positions, or eligibility to receive or retain licenses to operate child care facilities. Because the potential to deny these applications exists, more attention must be devoted to due process safeguards for registries performing screening functions than for registries which do not screen applicants. Notice to suspected perpetrators that their names are about to be entered on the register and that they have the right to review and challenge a report of child abuse or neglect is crucial to the screening function but should be a standard feature of other functions as well. Registries which provide these safeguards may receive more challenges to entries of information but do not require any more resources than other registries.

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PART I

INTRODUCTION TO CENTRAL REGISTRIES FOR CHILD ABUSE AND NEGLECT

The number of children reported each year for child abuse and neglect continues to rise. In 1984, an estimated 1,726,649 children were reported nationwide, an increase of 158 percent since 1976 (American Association for Protecting Children, Inc., 1986). The most recent figures for 1985 indicate the 1984 figure has been surpassed as well. The number of children reported for child abuse and neglect for 1985 is estimated at 1,928,535, an increase of 188% over 1976. This rate of reporting is estimated to be 30.6 children per 1000 child population. (American Association For Protecting Children, Inc., 1987.)

It is important to realize that these figures include duplicate reports on some children. That is, the same child may be reported for abuse or neglect more than once in a particular year. This fact points out that abuse and neglect is often part of a repetitive cycle (Besharov, 1978: 502).

This repetitive nature of child abuse was one of the main reasons for establishing state-wide central registries for maintaining reports of child abuse and neglect. Fraser (1974:513) explained the concept:

It is not at all unusual for the abusing parent to "doctor shop" or "hospital shop", never giving the attending physician a clear picture of just how extensive the collective trauma actually is. Without the ability to identify the abuse or its extent, the departments of social services and the courts have little hope of protecting those persons who cannot protect themselves. A central registry is needed, therefore, to gather information of past abuse to the same child.

Over the years the purposes and functions of central registries, including the tracking function described by Fraser, have been discussed and debated. This report will examine the purposes and functions of

registries from an empirical perspective. Central registries exist in forty-seven states and the District of Columbia. The report will document similarities and differences among central registries with regard to their purposes. It also will consider the effects of registry structures and resources on the everyday operation of registries.

The next section will provide a perspective for viewing the evolution of central registries which, in Part II, will be developed into a framework for empirically describing registries. The remainder of Part I will discuss the various normative goals of registries articulated in state laws and suggested by experts in the field. These normative goals will be reconsidered in the final chapter of the report in light of the empirical information obtained by the study with regard to the functions registries actually are performing.

A. Treatment and Due Process

In some respects, the evolution of central registries is reminiscent of the juvenile court movement. Both were born from a treatment tradition, and both are struggling to find the best way to maintain that tradition while increasing their concern with due process. Hasenfeld and Sarri (1976: 210) discuss "the inherent incompatibility between the social control objective and the social rehabilitation objective that juvenile courts are required to pursue." Selected developments in the juvenile court movement are considered here because they may presage the evolution of central registries.

Founded at the turn of the century out of a rejection of the adversarial procedures and sentencing practices used in criminal court, the juvenile court has been "a center for the application of

rehabilitation philosophy" (Rubin, 1979: 19). Juvenile courts were a new approach for taking care of troubled youth. Instead of focusing on punishment and correction, proponents of the juvenile court movement espoused the goals of prevention, treatment, and rehabilitation (Cox & Conrad, 1978: 7). Armed with the doctrine of parens patriae, the juvenile court was given virtually unlimited discretion in determining the best "treatment" for a delinquent youth (In re Gault). In return for this help, the youth forfeited due process considerations normally a part of adult criminal justice proceedings.

Because the juvenile court was to act in place of the parent, it was assumed that it would protect the child adequately. The proponents of the system, therefore, saw no need for adherence to rules of procedure designed to protect the rights of persons appearing before other tribunals (Becker, 1971: 8).

The forfeiture of due process rights for juveniles, however, did not go unopposed. There were those who voiced concern over the juvenile court's denial of due process rights "in exchange for hypothetical benefits of dubious value" (Faust & Brantingham, 1979: 144). Beginning in 1966, the Supreme Court acknowledged these concerns in a series of cases. Kent v. United States, In re Gault, and In re Winship, provided juveniles constitutional guarantees previously denied them during juvenile court proceedings. Much of the change in juvenile court proceedings can be traced to the introduction of attorneys and the increase in formal procedures.

The result of these legal reforms, however, has produced a kind of "schizophrenia" in the juvenile justice system. Proponents of the "treatment" orientation consider legal safeguards an interference in providing the juvenile with the best care. Proponents of the "due process" orientation are concerned that an innocent juvenile could be

declared delinquent because of inadequate procedural safeguards. Cox and Conrad (1978: 8-9) hold that attempts to satisfy both sides have resulted in ambiguous juvenile codes which have led to a discrepancy between ideals or theory and practices or reality.

The same ambiguity seems to be surfacing with regard to central registries. Registries originated as part of a treatment-oriented package. The treatment orientation regards child maltreatment as a symptom of family stress and believes psycho-social problems should be addressed by a non-punitive approach designed to preserve the family, rather than by criminal prosecution which would break up the family. In the words of Broadhurst and Knoeller (1979:48), "...the desired result is not to punish the parent; rather it is to protect the child from further harm and to teach the parents to be adequate caretakers."

In order to facilitate the treatment goal, many states established a central registry to maintain an index of child abuse and neglect reports. It was reasoned that such an index would aid in the monitoring or tracking and diagnosing of cases of child abuse as well as facilitating research related to the problem.

However, criticisms about the accuracy and completeness of data that are maintained on registers (Besharov, 1978) coupled with the more recent trend of using registers to screen prospective childcare employees for prior child abuse reports have raised due process concerns with regard to registries. Because many reports of child abuse are unfounded or unproven, an accused person could be unfairly stigmatized unless adequate precautions are taken.

As in the juvenile justice system, proponents of the "treatment" orientation consider legal safeguards an interference in providing the

juvenile and his or her family with the best care, and proponents of the "due process" orientation are concerned that an innocent individual could be listed as a perpetrator of child abuse because of inadequate procedural safeguards. The question facing central registries today is how to provide the best protection for the child and still preserve the legal rights of suspected perpetrators.

The impact of this question on the daily operation of central registries will be examined in this report. How are the activities and characteristics of registries affected by the gradual addition of due process safeguards? The report also will examine how changes in the daily operation of registries reflect on the original, normative goals of registries addressed in legal and scholarly writings. How well do registries' normative goals reflect what they do in practice? The next section will present the normative goals that scholars and practitioners have suggested for registries, and Part II will examine which activities registries actually are performing.

B. Normative Goals of Central Registries

1. Goals Found in Child Protection Laws

According to a comparative analysis of state statutes published by the National Center on Child Abuse and Neglect (1984: Table A), at least 36 states listed child protection as the primary purpose of child abuse and neglect reporting laws. One state, Florida, listed prevention as the primary purpose, and eight states do not specify the purpose.

Juvenile and welfare codes, i.e. those laws "devoted to the establishment, administration, and maintenance of judicial and social services systems for children," (Younes, 1987:3) contain directives on how the goals of the legislatures are to be implemented. Again, the goal

of child protection is clear in the codes, but there are other goals as well. These include: (a) protective services which places more emphasis on treatment and increased services to children and their families than strict child protection, (b) preservation of the family which extends child protection to encompass protection of parental rights as well, and (c) prevention which emphasizes not only the desire to protect currently abused and neglected children, but to prevent future occurrences of child abuse and neglect.

Criminal sanctions for crimes against children are perhaps the oldest child protection laws. The most recent versions of these laws contain positive provisions for protecting children, rather than just negative penalties against maltreatment. Some of these laws also call for increased services to children at high risk of maltreatment and for victims of child sexual abuse.

The goals specified in state statutes and codes provide a context within which central registries operate, but they do not address the goals of central registries per se. Within the context of facilitating the statutory goals of protection, treatment, and prevention, practitioners and scholars have suggested more specific purposes for central registries. These are discussed next.

2. Goals Discussed by Scholars and Practitioners in the Field

Several purposes or goals were suggested for registries during the period of time they were being established. In 1974, Brian Fraser of the National Center for Prevention and Treatment of Child Abuse and Neglect suggested that registries should:

- o Supply research data needed for identifying and categorizing the abusers and the abused, and for predicting the eventual fate of the abused children;

- o Aid the individual physician and the courts in determining whether the child has been abused; and
- o Aid departments of social services and courts in following abusing parents and caretakers who "hospital shop" and "doctor shop".

Reporting on a project addressing child abuse interventions, Arnold Schuchter (1976) suggested that registries should:

- o Compile statistical information to ascertain the true incidence of child abuse;
- o Provide information to assist in research on the nature and causes of child abuse;
- o Assist in medical diagnosis and investigations related to court actions; and
- o Track abusive caretakers who move from hospital to hospital or from jurisdiction to jurisdiction.

Douglas Besharov (1977: 695), then Director of the National Center on Child Abuse and Neglect, suggested a register should be a "comprehensive management information system" with the following goals:

- o Facilitate management planning by providing statistical data on the characteristics of reported cases and their handling;
- o Assist assessments of danger to children by providing or locating information on prior reports and prior treatment efforts;
- o Encourage reporting of known and suspected child abuse and neglect by providing a convenient hotline for reporting, by providing a focus for public and professional education campaigns, and by providing convenient consultation to caseworkers and potential reporters; and
- o Sharpen child protective accountability by monitoring follow-up reports.

In 1974, the American Humane Association questioned states about the purposes of central registries. Of the 49 who responded, 92% listed statistical purposes, 76% listed tracking, 41% listed social diagnosis and 29% listed medical diagnosis as goals of central registries.

Basically, each of the above goals can be collapsed into one of four categories: (a) diagnosis, (b) tracking, (c) research, and (d) management. A description of each category follows:

a. Diagnosis

The concept of central registries originated in the medical community, which also brought the problem of child abuse and neglect to public attention.¹ Given this history, it is not surprising that diagnosis was one of the original goals espoused by proponents of central registries.

The goal of diagnosis is to assist physicians and social workers in deciding whether a child's injuries were inflicted intentionally or accidentally (Paulson, 1968: 192-195; Friedman, 1972: 85-86; Fontana, 1973: 144). In many cases, the only way to detect "battered child syndrome" is to collect and analyze all previous reports of suspicious injuries (Kempe et al 1974: 781; Fontana, 1978). In questionable cases, the attending physician (perhaps through a social worker assigned to a hospital) contacts the registry for any previous reports of maltreatment, substantiated or not, on the child and the child's siblings. The information provided by the registry helps the physician detect whether there is a pattern to the child's injuries.

Obviously, diagnosis requires a registry to have the capacity for transmitting data in a timely fashion. If a call to the central registry results in a slow response or inaccurate information, not only will the effectiveness of the central registry be called into question but the health and welfare of a child may be in serious jeopardy.

b. Tracking

Tracking and diagnosis were linked in the earliest goal statements. For example, Friedman (1972) referred to the difficulty physicians had in detecting recurring incidents of abuse because some care providers took the child to different hospitals and different physicians on each occasion. This practice commonly is referred to as "hospital" or "doctor shopping".

Tracking perpetrators requires registries to keep current records of abuse or neglect on each victim and suspected perpetrator. Records must be updated frequently to accommodate changes in names, addresses, and other information necessary to locate subjects of a report. Tracking also implies sharing information across jurisdictions, including military jurisdictions.

c. Research

Research is a stated goal of central registries in nearly all states. The word "research", however, covers a variety of activities. At the most basic level, Fraser (1974: 511) regarded having a "warehouse for statistical data" available for research as a purpose of a registry. Other research objectives were to determine the incidence of child abuse or neglect and to determine the nature and cause of child abuse and neglect.

d. Management

Management, like research, covers a multitude of activities. These include program planning and budgeting, evaluation of services provided, compliance with time deadlines, and evaluation of agency performance in investigating reports promptly.

C. Empirical Goals of Central Registries

Regardless of how well organizational goals are defined, each registry undoubtedly will have de facto goals defined by its day-to-day activities. All registries gather data on the incidence of child abuse and neglect, but the type of data gathered, the way the records are maintained and amended, the accessibility and confidentiality of records, and the uses of these records may reveal as much about the functioning of central registries as do formal statements of goals. For example, the very number of child abuse and neglect reports will be a function of ease of reporting: whether or not a "hotline" is available 24 hours a day; the number of phone lines available (which influences the number of times a person must call in order to make a report); whether or not anonymous calls are accepted; and whether or not unsubstantiated reports are included in the registry.

On January 31, 1974, the federal government enacted the Child Abuse Prevention and Treatment Act, Public Law 93-247, which outlined requirements each state must meet to be eligible for federal funding.²

A summary of this law's ten conditions are:

1. A provision for the reporting of suspected cases of child abuse.
2. A provision for a prompt investigation of each report of suspected child abuse.
3. A demonstration that the state can effectively and efficiently deal with child abuse.
4. A provision of immunity from suit for persons reporting in good faith.
5. A provision to insure the confidentiality of reports of suspected child abuse.
6. A provision for cooperation between diverse agencies dealing with the problem.

7. A provision for a guardian ad litem appointed to represent the child's interest if the case results in a judicial proceeding.
8. A demonstration that state support for child abuse does not drop below the 1973 level.
9. The public dissemination of information about the problems of child abuse.
10. A provision to insure that parental organizations dealing with child abuse receive preferential treatment.³

The requirements of federal assistance to states may encourage uniformity in the passage of state legislation, but the ten conditions above are stated broadly enough to permit a variety of interpretations and to support a variety of registry organizations, practices, and procedures on a day to day basis. The remainder of this report will examine these day to day activities of registries and their impact on registry goals.

PART II

SURVEY OF CENTRAL REGISTRIES

In order to obtain a current description of central registries, a questionnaire survey was constructed to determine the recordkeeping practices, the due process safeguards, and the uses of registry data in 1986. Before any research could be undertaken, however, it was necessary to define a central registry.

A. Defining a Central Registry

The precise number of central registries that exist varies according to whether only those legislatively mandated are counted or those mandated by executive order are counted as well. Forty one states and the District of Columbia have central registries established by statute. Delaware and Maryland have local laws governing central registries as well. Registries are based upon administrative regulations in Georgia, Indiana, Kentucky, New Mexico, North Dakota and West Virginia.

All registries, regardless of how they were established, are included in this study. Registries most frequently are located in social services departments. In California, however, the central register is maintained by the Department of Justice, and in Maine the registry is part of the social security department.

In most states, a "central" registry means statewide jurisdiction. Prior to the start of the project, the statute authorizing a statewide central registry in Wisconsin was repealed. In addition to Wisconsin, Indiana and Minnesota also did not have a statewide registry during the time of the survey phase of the project. Therefore, Indiana, Minnesota, and Wisconsin are not included in this study even though representatives

of the respective registries responded to the survey questionnaire and the telephone survey.

Does a registry consist only of register files, e.g., perpetrator index, child index, etc. or does it include all agency information to which registry personnel have access? This question has enormous practical consequences because a survey respondent could say, "The information you request is not on the central register, but I can obtain it from the child welfare information system." Staff attempted to retain this distinction where possible, but when a choice was necessary, a broad definition of a central registry--information that could be obtained readily by registry staff regardless of where it was stored--was employed.

B. The Questionnaire Survey

In order to determine how the goals of central registries might be inferred from the type of records kept, the procedures employed, and the various purposes for which registry data are used, a 12-page questionnaire was sent to the director of the central registry in each of the 50 states, the District of Columbia and Puerto Rico. (Appendix A contains a copy of the questionnaire and cover letter.) After follow-up letters and phone calls, responses were received from 50 of the 52 jurisdictions, including three states without central registries as discussed earlier. The survey analysis is based upon responses from the 47 states which had statewide central registries in 1986. In January 1988, a telephone survey was conducted to update registry data to 1987. Questions that yielded ambiguous responses on the original questionnaire were asked again in a way to elicit precise responses. For example, rather than simply asking if applicant screening was conducted, separate questions were asked to determine if registries screen applicants for

adoption, foster care, babysitting, camp counseling and teaching positions. Distinctions between expunging complete records and removing identifying information were also probed. In addition, changes in procedures between 1986 and 1987 were catalogued. Questions asked in this telephone survey are attached as Appendix C. In this telephone survey, all states were contacted and registry personnel interviewed. Because of this 100 percent cooperation, responses to some questions were obtained from all 49 jurisdictions with central registries. Depending upon whether the question was asked in the telephone survey on the 12-page questionnaire, the analysis is based upon responses from either 49 or 47 (minus Alaska and the District of Columbia) registries. Figure 1 in Part III presents the key variables that were analyzed and Appendix E indicates how the variables were coded.

C. Data Preparation

Several methodological issues were addressed before the data were analyzed. The first issue was how to code registry characteristics that are recorded on open-ended reporting forms. For example, how should a registry form that has several blank lines for perpetrator characteristics be coded with regard to number of perpetrator characteristics? Some registries using close-ended forms use separate categories for the name, age, and birthdate of the suspected perpetrator only; other registries record these variables plus information on employment and income, and still other registries specify family stress factors of the suspected perpetrator as well. Because space is available to record many characteristics on open-ended forms, a decision was made to classify these with the most extensive close-ended categories. The

coding scheme in Appendix E indicates that blank lines were coded with the most extensive of close-ended questions.

The second issue was missing data. Missing data refers to questions that were not answered because the respondent did not know the answer, was confused by the question, or simply overlooked some questions. With 287 possible responses to each questionnaire, some amount of missing data was inevitable. Project staff dealt with this problem by calling respondents to clarify contradictory responses and to request information on unanswered questions. Even with these efforts, however, staff were unable to retrieve all missing data.

The reverse situation, in which the respondent marked a response even though he or she was uncertain of the answer or uncertain what the question meant also may have occurred. In some instances, people from the same registry answered some of the same questions differently.

For those questions with less reliable responses, staff (a) reduced the number of response categories, e.g. percentage of reports challenged was dichotomized into no challenges or some challenges, or (b) made an index of responses from several questions, e.g., an index of the uses of registry data was constructed from the variables listed in Figure 17.

D. Treatment and Due Process Models

Part I discussed the goals of registries as proposed by scholars and practitioners in the field and also suggested that goals could be inferred from the activities of registries. That section also drew a parallel between the change in focus of juvenile courts from a treatment-oriented approach to a more due process-oriented approach and suggested that a similar evolution was occurring in central registries.

This treatment-due process approach will be used as a framework for the systematic exploration of registry characteristics. Although this framework is an hypothesis that tends to force registries into a dichotomy, it was expected that most registries would accommodate both orientations to some degree. Consequently, treatment-due process was originally visualized more as a continuum than as a dichotomy. As attempts were made to identify registry characteristics with either a treatment or due process orientation, it became evident that some characteristics, e.g. record amending and updating, were equally appropriate to both orientations. There was also debate over which characteristics belonged with which orientation, e.g., would an index of perpetrators better fit with a treatment or a due process orientation? These inconsistencies indicate that it may not be possible to classify registries on a single dimension. Nevertheless, this simple model of treatment versus due process orientation provides a convenient framework from which to study registry characteristics.

Figure 1 describes hypothetical characteristics for a treatment-oriented registry and a due process-oriented registry. The treatment orientation regards protecting innocent young children as an overriding consideration, more important than safeguarding rights of suspected abusers. The scale is tilted toward investigating all allegations of child abuse and neglect even at the risk of encouraging reports unlikely to be substantiated. Because the goal is treatment, rather than punishment, definitions of maltreatment can be somewhat ambiguous and standards of proof, required to determine whether intervention is necessary, set much lower than would be required by a

Figure 1:

Treatment and Due Process Models of Central Registry Recordkeeping

<u>Registry Characteristics</u>	<u>Treatment</u>	<u>Due Process</u>
<u>Recordkeeping</u>		
Types of Reports in Registry	Records kept on all people about whom reports are made. Uninvestigated categories, e.g. "unfounded from want," "uncertain", "unable to determine", counted separately.	Records maintained for substantiated cases only. Uninvestigated cases are counted as unfounded.
Indexing	Reports indexed by victim only.	Reports indexed by suspected perpetrator as well as by victim.
Identification of Source of Report	No, anonymous calls are accepted.	Yes.
Definitions of Abuse or Neglect	More ambiguous, may not coincide with legal definitions.	Clear and specific to meet legal tests.
Scope of Abuse or Neglect	Broad, includes emotional maltreatment, bizarre discipline and other categories more difficult to prove. Categories on reporting form may be open-ended to permit narrative descriptions.	Narrow, e.g. physical or sexual abuse. Clear categories on reporting form.
Record Amending and Updating	Records amended and updated frequently.	Records reviewed frequently to determine if any can be removed from the register.
Record Expungement	All records kept for long periods of time.	Unsubstantiated cases expunged as soon as possible.

Figure 1: Continued.

<u>Registry Characteristics</u>	<u>Treatment</u>	<u>Due Process</u>
<u>Legal Procedures</u>		
Level of Evidence	Lower standard of proof to reduce risk to children.	High standard of proof to avoid unwarranted accusations.
Notice	Subject not notified of entry on registry.	Subjects notified that their names are on a register.
Right to Review and Appeal	Subjects do not review the file and have no right to appeal.	Subjects of a report are able to review the file, request the record be amended or expunged, and have the right to appeal.
Challenges to Entry onto Register	Fewer challenges to entry.	More challenges to entry.
<u>Usage</u>		
Accessibility	Larger variety of people with access to registry records, e.g. police, social service workers, medical personnel, potential employers, etc..	Fewer people with access to registry records, child protective workers primarily.
Confidentiality of Records	Less emphasis on confidentiality.	More emphasis on confidentiality.
Timely Response to Requests	Very important, ideal is 24-hour telephone access to registry records. Use on-line computer to gain access to records.	Less important, written reports by mail accepted. May use manual system of retrieving records.
Number of Uses	Multiple uses of registry data.	Comparatively few uses of registry data.

court of law. Indeed if treatment requires court intervention, proceedings will tend to be civil rather than criminal.

The due process approach tilts the scale in favor of the civil liberties of the accused--the concept that it is better to let 100 guilty people go free than to convict one innocent person. Because due process is the primary concern, the emphasis is on maintaining registry records with strong safeguards for confidentiality. Accessibility to central registry data through computers magnifies the possibility of unauthorized access and disclosure of names. Registers should contain only substantiated cases that have met high legal standards of proof. The due process model holds that individuals should be notified that their names are being entered into the register; that they are able to review their files; that they are entitled to a hearing; that they are able to petition to have their record amended or expunged; and that they have the right to appeal.⁴ Accuracy of registry data is more important than timeliness, although to be accurate, records must be updated periodically.

The next section will present the results of the questionnaire survey on central registries with regard to the registry characteristics listed in Figure 1. This information will provide some indication of where central registries are located on the treatment - due process continuum.

E. Empirical Characteristics of Registries

Despite the recent attention devoted to child abuse, the assessment made by Ireland in 1975(1), "...in the tremendous amount of literature about child abuse and neglect there is very little about registries, their organization, operation, and utilization," still holds much truth today. The data reported below were derived from the questionnaire

survey of central registries and are current to at least 1986. Some items have been updated to 1987 and these are so identified.

1. Recordkeeping

Differences between the treatment orientation and due process of central registries should manifest themselves sharply in the types of records kept in the registry, the way reports are indexed, amended, updated, and expunged, and by the way data are defined.

a. Types of Reports in Registry

A treatment orientation requires knowledge of all previous reports of maltreatment, whether substantiated or not, in order to detect patterns of abuse or neglect. Placing only substantiated reports in a register implies a due process-orientation.

In at least 22 states, statutes determine the types of records contained in the register: initial reports, reports under investigation, and founded or substantiated reports only. (National Center on Child Abuse and Neglect, 1984: Table 14.) Most often (in at least 16 of the 22 states) statutes require that founded cases be maintained by the central registry.

Figure 2 separates states into two categories according to whether they retain only substantiated cases on the register or whether they keep unsubstantiated as well as substantiated reports on the register. The substantiated category includes registries which retain records on unsubstantiated cases until the investigation is completed or registries, such as Pennsylvania, which have a separate file of pending cases. In most cases, the investigation is completed in less than 90 days, although it can take as long as six months.

Figure 2:

Types of Reports Kept by Central Registries

<u>Substantiated Only</u>	<u>Unsubstantiated and Substantiated</u>
California	Alabama
Colorado**	Alaska
Connecticut	Arizona
District of Columbia***	Arkansas
Illinois*	Delaware
Iowa	Florida
Kansas	Georgia
Michigan	Hawaii
Missouri	Idaho
Montana*	Kentucky
Nebraska	Louisiana
New Mexico	Maine
New York	Maryland
Ohio	Massachusetts
Oregon	Mississippi
Pennsylvania	Nevada
South Carolina	New Hampshire
Tennessee	New Jersey
Texas	North Carolina
Utah	North Dakota
Vermont*	Oklahoma
Washington	Puerto Rico
Wyoming	Rhode Island
	South Dakota
	Virginia
	West Virginia

*These states permit particular unfounded reports to be maintained separately and not expunged in order to enable subjects of reports to prove they are harassment victims.

**After July 1, 1987.

***In unsubstantiated cases, only data on dates of birth and sex of victim are maintained for statistical purposes.

Types of reports kept in three states without a central registry, Indiana, Minnesota, and Wisconsin, vary by county.

Source: National Center for State Courts, Telephone Survey, January, 1988.

Figure 3 lists the states that have an undetermined disposition category, in addition to the substantiated and unsubstantiated categories. Appendix F lists actual disposition categories by state. The number of disposition categories is important because of the impact it may have on calculating substantiation rates. If the only reporting options are substantiated or unsubstantiated, a registry with 30 confirmed reports out of a possible 100 has a substantiation rate of 30%. That same registry would have a substantiation rate of 40% if the 25% of the "uncertain" cases (unable to make a determination) were removed from the denominator.

b. Indexing

Some uses of registers, e.g. tracking abusers between jurisdictions and screening applicants for positions of trust with children, require that registers be indexed by perpetrator as well as by victim. Most states (the telephone survey of January 1987 found only Alabama, Nebraska, and New Hampshire to be manual) are automated and, therefore, can retrieve information by both fields. Maine indexes by case name. Nine states, (Connecticut, Delaware, District of Columbia, Maryland, Montana, New Jersey, New Mexico, Oklahoma, and Oregon) index their registry files by victim only. Of these nine, however, seven listed applicant screening as one of the purposes of their register.

Some registers simply have a blank space upon which to record perpetrator characteristics; others specify the characteristics to be recorded, and still others use a combination of methods. Specified characteristics of perpetrators may provide a clue as to what registries consider important to know about perpetrators. Report forms in twenty-one states focus on background characteristics--name, age, sex,

Figure 3:

Disposition Categories

Substantiated and
Unsubstantiated

Arkansas
Delaware**
Florida
Hawaii
Maine
Massachusetts
Michigan
Mississippi
Missouri**
Montana
Nevada
New Jersey
New York
North Carolina
North Dakota
Ohio
Pennsylvania
Puerto Rico
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Vermont
Virginia**
Washington
West Virginia
Wyoming

Substantiated,
Unsubstantiated
and Undetermined

Alaska
Alabama*
Arizona
California
Colorado
Connecticut**
District of Columbia
Georgia
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maryland**
Minnesota
Nebraska
New Hampshire**
New Mexico
Oklahoma
Oregon
Utah*
Wisconsin

*Blank line where reports of maltreatment are written in.

**Connecticut, Missouri, and New Hampshire have an "at risk" category, whereas Delaware and Virginia has a "reason to suspect" classification (which in Virginia is combined with founded to make up the substantiated category). Maryland has an "uncertain" category for abuse cases, but not for neglect cases.

NOTE: Several states (e.g., Arkansas, Florida, Montana, Nevada, and Puerto Rico) have an "unable to locate" category.

race, and alternative names in that order. Report forms in sixteen states also include information on employment status, income, and family stress factors.

c. Identification of Source of Report

The analytic framework posits that treatment-oriented registries are more likely to accept anonymous calls than the more due process-oriented registries. Thirteen states have laws which require reporters to provide their names. Only California law specifically states that reporters need not provide their names. The remaining state laws are silent on this point. (National Center on Child Abuse and Neglect, 1984, p.30.) In practice, every register accepts anonymous reports if the reporter cannot be persuaded to leave his or her name (See also American Humane Association, 1983). Figure 4 indicates that most states have a category for anonymous reporters on their reporting forms.

d. Definitions

Several sets of definitions have been drafted for child abuse and neglect laws. Indeed, special glossaries have been prepared by the National Center on Child Abuse and Neglect, e.g. Interdisciplinary Glossary on Child Abuse and Neglect: Legal, Medical, Social Work Terms and Child Protection: A Guide for State Legislation. Although some lawyers prefer to see definitions of maltreatment restricted, other lawyers believe that the definitions are as precise as they can be.⁵ The final position paper of a panel co-sponsored by the American Public Welfare Association, the National Legal Resource Center for Child Advocacy and Protection of the American Bar Association and the American Enterprise Institute (Consensus document, 1988) states that "Most existing definitions.... are broad and imprecise". On the other hand,

Figure 4:
Source of the Report by Category*

	Yes		No	
	%	N	%	N
Medical Personnel	95%	(42)	5%	(2)
School Personnel	95%	(42)	5%	(2)
Social Service Personnel	93%	(41)	7%	(3)
Law Enforcement Personnel	93%	(41)	7%	(3)
Relatives	93%	(41)	7%	(3)
Child Care Providers	91%	(40)	9%	(4)
Friends, Neighbors	89%	(39)	11%	(5)
Anonymous	89%	(39)	11%	(5)
Court Personnel**	77%	(34)	20%	(9)
Clergy**	48%	(21)	50%	(22)

* N=44, report excludes five states which have a blank line for writing in source of report. Those that list categories of reporters tend to list all categories, including anonymous reporters. Five registries merely provide a blank line where the source of the report, presumably including anonymous reporters, can be entered. In addition to categories listed in Figure 4, forms in 34 registries list self reports and forms in 25 specifically record coroners as a reporting source.

** One response to each of these questions was left blank.

Howard Davidson (1987: 5-6), Director of the National Legal Resource Center, argues that "...child maltreatment laws are generally written as explicitly as possible to achieve the purpose intended: child protection" and noted that most state and federal court challenges to broad and vague definitions have been unsuccessful.

The contribution of this project to the discussion of definitions is not on the substantive definitions of child abuse and neglect but in cataloging the disposition terminologies and the standards of proof used to establish the fact of child abuse or neglect. These categories are presented in Appendices F and G.

e. Scope of Abuse or Neglect

The analytic framework suggested that registries in states more nearly approximating the due process model would tend to have fewer categories of abuse and neglect than registries in states more closely approximating the treatment model. All registries were expected to record major physical and sexual abuse, with fewer states recording emotional maltreatment. There was little variation in categories of abuse and neglect reported. Perhaps the categories were not specific enough, e.g. bizarre discipline, or perhaps qualification for federal funding causes some uniformity in the types of abuse and neglect reported. Emotional maltreatment, for example, was a category reported by 84% of the registries. Figure 5 indicates that variations among the major abuse and neglect categories are small. In fact, variations may be even smaller in practice. For example, some categories, such as fatalities, may not be mentioned explicitly in the statute, but nevertheless are used by registry personnel. In at least one state, fatalities are classified together with major physical injuries.

Figure 5:

Categories of Abuse and Neglect

	<u>Yes</u>	<u>No</u>	<u>No Response</u>
Sexual maltreatment	92% (46)	0% (0)	8% (4)
Fatality	84% (42)	6% (3)	10% (5)
Emotional maltreatment	84% (42)	8% (4)	8% (4)
Deprivation of necessities	74% (37)	16% (8)	10% (5)
Other maltreatment	72% (36)	18% (9)	10% (5)
Major physical injury	62% (31)	28% (14)	10% (5)
Minor physical injury	60% (30)	28% (14)	12% (6)
Physical injury, severity unspecified	56% (28)	28% (14)	16% (8)

f. Record Amending and Updating

The analytic framework predicts no difference between the treatment and due process models with respect to amending and updating registry records. Regardless of whether the primary orientation of the registry is treatment alone or treatment coupled with a concern for the civil liberties of the alleged perpetrator, concern with accurate, up-to-date information should be the same.

Of the 41 states responding to questions on amending records, 31 (75%) amend records as new information is received, 4 (10%) amend records on a periodic schedule, and the remaining 6 (15%) have other amendment practices, such as changes after fair hearings. Most (38 or 78%) the registries update records as new information is received; 5

(10%) update on a periodic basis, and 6 (12%) reported using other updating schedules. Social services personnel typically are the only people with the ability to change records, though mandated reporters and other reporting sources can call hotlines or local offices to supplement or change previously reported information. Respondents reported that most requests for updating or amending records came from social service personnel, perpetrators or suspected perpetrators, court personnel, and law enforcement personnel.

Respondents also were asked to estimate the percentage of files amended or updated each year. When combined with the percentage of files estimated to be expunged each year, this provides a measure of record activity. Figure 6 displays the figures for states able to provide these estimates. The majority of registries amend, update, and expunge fewer than ten percent of their records annually. In 20 states, both the amended information and original information is maintained in the register.

Figure 6

Percentage of Files Amended, Updated, and Expunged

<u>Percentage</u>	<u>Amended</u>		<u>Updated</u>		<u>Expunged</u>	
	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>
0	21%	(7)	12%	(4)	30%	(11)
1-10%	62%	(21)	38%	(13)	49%	(18)
11-50%	15%	(5)	21%	(7)	16%	(6)
51-100%	3%	(<u>1</u>)	29%	(<u>10</u>)	5%	(<u>2</u>)
		34		34		37

The events which trigger an amendment to data maintained in the central registry are listed in Figure 7. Figure 7 indicates that registries do amend their records as new information is received. The percentages probably would be even higher if all registries had the capacity to readily amend records.

Figure 7:

Events that Trigger Amendment

	Yes		No	
	%	N	%	N
o additional information received				
- on child	91%	(39)	9%	(4)
- on caretaker	88%	(37)	12%	(5)
- on perpetrator	84%	(36)	15%	(6)
o change in case status	86%	(37)	14%	(6)
o new reports received	79%	(34)	21%	(9)
o court action	66%	(25)	34%	(13)

The length of time it takes to change a record is recorded in Figure 8. The time is measured from the date an amendment or update is received until the date the record actually is changed. Most states are able to make changes in less than three days from the time an amendment or update was received, and more than a third are able to make the change within a day.

Figure 8:

Time Needed to Change a Record

	Amendment		Update	
	%	N	%	N
o within one day	35%	(12)	40%	(15)
o within one to three days	29%	(10)	26%	(10)
o within one week	18%	(6)	16%	(6)
o longer than one week	18%	(6)	18%	(7)
		34		38

g. Record Expungement

Expungement is used here to mean removal of all information or identifying information from unsubstantiated reports and purging means deleting the entire record of substantiated cases from the central registry. Figure 9 displays the length of time unsubstantiated reports are kept on a register before being expunged.

The analytic framework hypothesizes that the treatment-oriented registries will keep all records, both substantiated and unsubstantiated, for a long period of time. These records are necessary if registry personnel are to assist in the diagnosis of suspected cases of child abuse or neglect. Patterns of abuse or neglect develop over time, and sometimes only repeated instances of reported maltreatment will alert child protective services to potentially harmful situations. Individual reports viewed in isolation might not indicate the extent of the danger to a particular child. The due process registries will expunge unsubstantiated reports of identifying information or remove the entire report from the registry as soon as possible and will purge records of substantiated cases on a fixed schedule.

There is indeed a strong relationship between types of reports kept on the central registry and the length of time unsubstantiated reports are kept on the registry. All 26 registries which retain unsubstantiated reports keep them for at least a year. Most registries (18 of 23) which retain only substantiated reports either never enter unsubstantiated cases onto the registry or remove them quickly (within six months). The exceptions are registries that remove identifying information from unsubstantiated reports and then keep the

Figure 9:

Length of Time Unsubstantiated Reports
Are Kept on the Central Register

Registries Which Quickly
Expunge Unsubstantiated
Reports

Colorado - 90-120 days
Connecticut - 2 weeks
District of Columbia* - 2 weeks
Illinois- 6 months
Indiana - 6 months
Iowa - 6 months
Missouri- 3 months
Montana - 2 months
Nebraska - 6 months
New York - 3 months
Ohio - 3 months
Texas - 6 months
Utah - 6 months
Vermont - 6 months
Wyoming - 2 to 3 months

Registries Which Retain
Unsubstantiated Reports
for a Year or More

Alabama (indefinite)
Alaska (540 days)
Arizona (indefinite)
Arkansas* (3 years)
California (indefinite)
Delaware (1 year)
Florida (indefinite)
Georgia (1 year)
Hawaii (indefinite)
Idaho (1 year)
Kentucky (indefinite)
Louisiana (3 years)
Maine (18 months)
Maryland (uncertain only)
Massachusetts (1 year)
Mississippi (indefinite)
Nevada (2 years)
New Hampshire (7 years)
New Jersey (indefinite)
New Mexico (indefinite)
North Carolina (indefinite)
North Dakota (1 year)
Oklahoma (indefinite)
Puerto Rico (indefinite)
Rhode Island (3 years)
South Dakota (indefinite)
Virginia (1 year)
Washington** (indefinite)
West Virginia (6 years)

*Demographic data never expunged.

**No new data are currently being entered onto the Washington central registry.

NOTE: In Kansas, Michigan, Oregon, Pennsylvania, South Carolina and Tennessee unsubstantiated cases are never entered onto the register. In California, Idaho, Indiana, Iowa, Massachusetts, Nebraska, Nevada, North Dakota and Wyoming the identifying information is removed from cases that are unsubstantiated. In Kentucky only the child's name is retained.

unsubstantiated reports along with the substantiated reports. (There is no similar relationship between types of reports and length of time substantiated cases were kept in the register.) Obviously, records purged from the central registers cannot be used for research, applicant screening, or any other purpose.

Of the 34 states that answered questions on expungement, 18 (53%) said that their central registry expunged records as new information was received, 8 (23%) reported that their registry's expunged records on a periodic schedule, and 8 (23%) reported that their registry had other expungement practices, e.g. expungement after an administrative review or when an error is discovered. Perpetrators or alleged perpetrators, court personnel and social service personnel were the categories of people most likely to request expungement.

Of the 46 responses to the question of where records were expunged, 15 (33%) reported expunging both state and local records, 17 (37%) claimed only to expunge from the state-level central registry, 10 (22%) only at the local level, and 4 (9%) reported they did not expunge at all.

The time necessary to purge or expunge identifying information from records was similar to the time necessary to update or amend a record. Of the 33 registries responding to this question: 10 (30%) were able to purge or expunge the record the same day the request was received, 8 (24%) within three days, 5 (15%) within a week, and 10 (30%) within some other time frame, e.g. every two weeks or after an administrative hearing was requested.

Figure 10 shows the length of time records of substantiated cases are kept before they are removed from the register. The time

Figure 10:

Length of Time Before Substantiated
Cases Are Purged from the Register

<u>Never Purged</u>	<u>At Victim's Youngest Sibling's 18th Birthday</u>	<u>After Victim's 18th birthday</u>	<u>At Victim's 18th Birthday</u>	<u>After Period of Years</u>
Alabama	Arizona	Colorado (10 years after)	Connecticut	Alaska - 5 years
California	Arkansas (21st birthday of sibling)	Delaware (1 year after and no other children under 18)	Georgia	**Florida - 7 years
District of Columbia	Michigan	Massachusetts (1 year after)	Maine	Idaho - 5 years
Indiana	New York (10 years after)	Nevada (10 years after)	Pennsylvania	Illinois - 5 years
Hawaii	Vermont	Utah (10 years after)		Iowa - 10 years
Mississippi		Virginia (10 years after)		Kansas - 18 years
Montana				*Kentucky - 5 years
New Hampshire				Maryland - 33 years
New Jersey				Missouri - 10 years
New Mexico				Nebraska - 10 years
North Carolina				North Dakota - 5 years
**Oklahoma				Ohio - 10 years
Puerto Rico				Oregon - 7 years for cases with no court action/child's 25th birthday for cases involving legal custody
*South Dakota				Rhode Island - 3 years if no further involvement
Tennessee				South Carolina - 7 years
Vermont (sealed)				Texas - 5 years (youngest sibling's 18th birthday for children in foster care)
Wyoming				Washington - 6 years from date of last entry
				**West Virginia - 6 years

* Has an historical file.

** Confirmed reports are never purged, but indicated reports are.

NOTE: Louisiana has not yet established guidelines for purging substantiated cases.

period varies from three years to never purged. A weak relationship emerged between the disposition categories and the length of time substantiated reports were kept on the registry before being purged. There was a tendency for registries which kept an undetermined category to purge substantiated cases sooner than registries which had no undetermined category. Of the 25 registries which did not have an undetermined disposition category, 17 kept substantiated cases until after the child's eighteenth birthday. Indeed, 9 of these 17 states have never purged a substantiated case.

2. Legal Procedures

a. Level of Evidence

Higher standards of proof to substantiate reports are expected of registries most closely adhering to the due process model. Appendix F provides some definitions of disposition terminologies and Appendix G shows examples of standards of proof. Figure 11 classifies level of evidence required to substantiate into three major categories: "some credible evidence", "credible evidence", and "preponderance of evidence." The figure also provides the source of the standards.

Dr. Richard Krugman of the C. Henry Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect has suggested how levels of evidence may be related to the purposes for which the evidence is used. The public, by and large, is only interested in whether or not abuse or neglect occurred. Figure 12 shows that substantiation is a continuum, ranging from definitely true to definitely false, with many degrees in-between. One standard of proof may be used to determine legal guilt or innocence and still another standard to determine whether clinical services should be offered.

Figure 11:

Levels of Evidence to Substantiate a Report

<u>"Some Credible Evidence"</u>	<u>"Credible Evidence"</u>	<u>"Preponderance of Evidence"</u>
Alaska ^a - custom and usage	Alabama - regulation	District of Columbia - custom and usage
Arizona ^a - regulation	Colorado - law	Georgia ^e - custom and usage
Arkansas - law	Florida - law	Iowa - regulation
California - custom and usage	Maryland - regulation	Kansas - regulation
Idaho - law	Illinois - law	New Jersey - law
Kentucky ^b - custom and usage	Michigan - policy	Oklahoma - custom and usage
Louisiana	Nebraska - policy	Pennsylvania ^d
Maine ^a - policy	Nevada - regulation	Texas ^e - custom and usage
Massachusetts - regulation	Puerto Rico - law	Vermont - regulation
Missouri - regulation	Rhode Island - law	Virginia ^e - policy
Montana - custom and usage	Utah	Washington ^f - law
New Hampshire - regulation		Wisconsin - law
New York - law		
North Carolina ^a - custom and usage		
North Dakota ^c - custom and usage		
Oregon ^a - custom and usage		
South Carolina ^a - law		
South Dakota - custom and usage		

^a reason to believe/reasonable cause/reasonable relationship

^b strong circumstantial

^c probable cause

^d substantial evidence

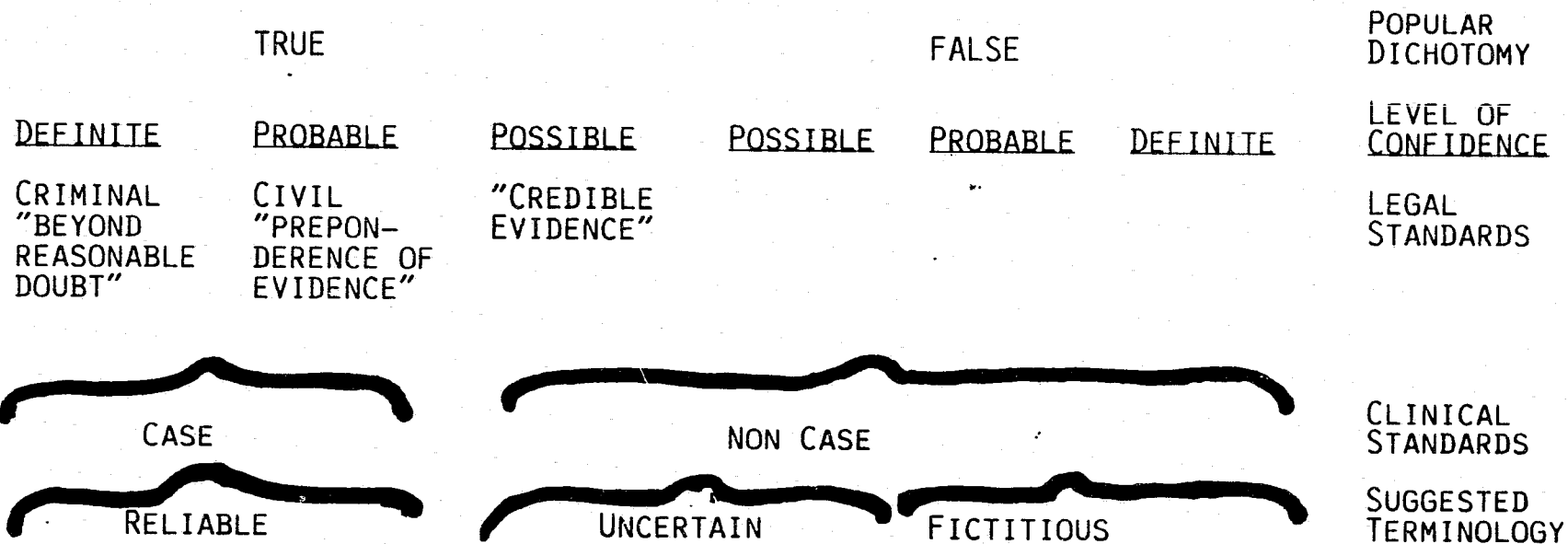
^e clear and convincing

^f convicted in court

NOTE: Delaware uses "level of risk". Other registries, e.g. Hawaii, Mississippi, Ohio, Tennessee, West Virginia and Wyoming reported using caseworker determination, social worker's evidence or individual judgment.

FIGURE 12

LEVEL OF EVIDENCE REQUIRED TO SUBSTANTIATE A CASE



b. Notice

Adequate and timely notice, wrote Justice Harlan in the In re Gault opinion,

is the fulcrum of due process, whatever the purposes of the proceedings. Notice is ordinarily the prerequisite to effective assertion of any constitutional or other rights; without it, vindication of those rights must be essentially fortuitous. So fundamental a protection can neither be spared here nor left to the 'favor of grace' of state authorities.

The Gault decision, of course, extended the notice requirement of criminal proceedings to juveniles accused of law violations.

The primary approach of presently-notifying states is to advise perpetrators (and, sometimes, child victims, parents or guardians, and pertinent others) in writing that a substantiated report has been entered onto the register. The notification may include: reference to how long a report is maintained in the registry, the possibility of disqualification from child care-related positions or licenses, regulations that limit access to registry data, right to request a copy of registry information, the availability of social services assistance, the right to challenge the accuracy of the report, and the correct maintenance of record information pursuant to statute or regulation. New Hampshire's notification also states the reasons for the finding. Some notices direct the recipient to write a brief description of the reasons why the finding should be overturned. This is to be filed in conjunction with a request for review.

Twenty seven states give subjects notice that their names will be entered onto the register and 22 do not. Figure 13 shows that 19 registries send written notice by first class mail, three use

Figure 13:

States Which Give Notice That Names Will
Be Entered onto a Central Register

<u>No Notice</u>	<u>Give Verbal Notice</u>	<u>Give Notice by First Class Mail</u>
Alabama	District of Columbia	Arkansas*
Alaska	Idaho	Colorado
Arizona	Mississippi	Delaware
California	Nebraska	Florida
Connecticut	Oklahoma*	Illinois
Georgia	Puerto Rico	Iowa
Hawaii	Rhode Island	Kansas
Kentucky		Massachusetts
Louisiana		Missouri
Maine		New Hampshire***
Maryland		New Mexico
Michigan		New York
Montana		Pennsylvania
Nevada		South Carolina
New Jersey		Tennessee
North Carolina		Virginia**
North Dakota		Vermont
Ohio		Washington***
Oregon		Wyoming***
South Dakota		
Texas		
Utah		
West Virginia		

* Pamphlet

** By letter and verbally

*** Use certified/registered mail

NOTE: Most states notify after substantiation. Missouri and Delaware are exceptions and notify before. New York and Kansas send out more than one notice. Those states that notify informally usually leave it to the discretion of the case worker. In states without a central registry, Indiana, Minnesota, and Wisconsin, procedures vary by county.

certified or registered letters, and two send a pamphlet. Eight registries use informal methods of notification, including personal contact and pamphlets.

c. The Right to Review and Appeal

Reviews are expected to increase as the child care applicant screening function of registries expands. The review and appeals process is further reason why local social service agency and registry records must be maintained accurately and completely.

Many states have three levels of review: by the state or local agency or both; by an independent hearing officer in accordance with a state administrative procedures act; and by a court. Appeal of a trial court decision to a state appellate court may follow.

(1) State or Local Agency Review

Review at this level permits the agency to reassess the adequacy and accuracy of its investigation and findings. This internal review, which can be a paper review, may be done at the state level by registry officials or state agency employees specifically designated to perform this task. Alternatively, the paper review or informal conference could be performed at the local level by a supervisor or others not involved in the original investigation. The person requesting review should be afforded the opportunity to provide written reasons why request for amendment or expungement is merited. (Figure 14 lists which registries permit subjects of a report to review the report with the identity of the source of the report removed).

(2) Fair Hearings

Many registries have provision for another independent review of the registry record after it is challenged. Challenges to

Figure 14:

Right to Review Reports

No Right to Review

Alabama
California
Hawaii
Louisiana
New Jersey
New Mexico*
North Carolina
Ohio
Oklahoma
Rhode Island
Texas

Have Right to Review

Alaska
Arizona
Arkansas
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Idaho
Illinois
Iowa
Kansas
Kentucky
Maine
Maryland
Massachusetts
Michigan
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New York
North Dakota
Oregon
Pennsylvania
Puerto Rico
South Carolina
South Dakota
Tennessee
Utah
Vermont
Virginia
Washington
West Virginia
Wyoming

* Unless malicious.

NOTE: In states without a central registry, Indiana, Minnesota, and Wisconsin, procedures vary by county.

entry of information on registers are relatively rare. Eighteen registries reported that none of their entries were challenged, 20 registries reported that between 1%-10% of their entries were challenged, and only one state reported that more than 10% of their entries were challenged. The telephone survey in January of 1988 showed a slight increase in the number of challenges. The proportion of reports challenged, however, is still quite small.

In 21 states, persons are entitled to a hearing to determine whether a denial of a request to amend a record is justified, but in 12 states the person requesting the change is not entitled to a hearing.

Just as informal conferences at the local agency level may thwart the need for further review, so may an informal conference prior to a fair hearing avoid the need for the full hearing. Either side may bring matters to the table that may permit a legitimate stipulation by the agency or a reasoned withdrawal of an appeal. Full fair hearings also may be averted, as in Colorado, by a hearing officer ruling that grants a summary judgment to the agency based on a juvenile court adjudication of abuse or neglect or a criminal court conviction of a perpetrator.

(3) Trial and Appellate Courts

An administrative procedures act, normally, will specify the trial court where appeals from fair hearings go. Of course, appeals, either by the agency or the subject of a report, from an adverse trial court ruling may be made to state appellate courts.

In the past two years, 36 registries of 42 who answered this question, reported that no law suits were filed that challenged

registry practices or reporting statistics; 3 states reported one suit, and another 3 states reported two suits. Appendix H provides the results of a LEXIS search that lists all state appellate court decisions dealing with central registries.

3. Usage

a. Accessibility and Confidentiality

The analytic framework suggests that treatment-oriented registries will grant access to different groups of people, have different requirements for receiving and responding to requests for information, and use data differently than due process-oriented registries.

On one hand, one may expect due process-oriented registries to be more concerned about confidentiality and safeguarding of registry records than the more treatment-oriented registries. On the other hand, because due process-oriented registries theoretically contain only substantiated cases of abuse and neglect, they may be less concerned about confidentiality than registries which contain substantiated, unsubstantiated, and perhaps even undetermined reports of abuse or neglect.

The answer to this question of confidentiality will be addressed indirectly by examining the types of people with access to registry records. Due process-oriented registries are expected to restrict access to registry data to people who absolutely must have the data--child protective workers, child welfare workers, court personnel and registries in other states. Treatment-oriented registries are expected to give access to medical personnel, potential employers, social service organizations and other involved in treating the family. Figure

15 lists the agencies eligible to receive registry data that includes the identity of either the victim or the suspected perpetrator.

Figure 15 indicates that more agencies or individuals are eligible to receive data on the child victim than on the perpetrator or suspected perpetrator. It also shows that police and law enforcement officials, courts, child welfare agencies and prosecutors are the agencies most likely to receive data that identifies either the child victim or the perpetrator by name.

Child care and foster care employers eligible to screen names of perpetrators or suspected perpetrators are less likely to be entitled to receive the name of the child victims. Researchers and people making the initial report are the least likely to receive registry data that identify people by name.

Naturally, many more agencies are eligible to receive aggregate data that does not identify the victim or perpetrator by name. These agencies are listed in Figure 16. A comparison of the two figures (15 and 16) reveals that the biggest difference in accessibility is for researchers, who are much more likely to obtain access to data that does not identify specific victims or perpetrators.

Both the treatment and due process-oriented registries are expected to oppose unauthorized disclosures. Thirty-seven states report criminal penalties for unauthorized disclosure of information from the register and seven do not. Only one state, however, reported that criminal charges for unauthorized disclosure have been initiated within the past two years. Eight registries reported denying access to agencies which did not take sufficient precautions to prevent unauthorized disclosure; 31 registries reported no such provisions.

Figure 15:

Individuals and Agencies Eligible to Receive
Central Registry Data with Identifiers

	<u>Victim</u>			<u>Perpetrator/Suspected Perpetrator</u>		
	<u>Yes % (n)</u>	<u>No % (n)</u>	<u>No Response</u>	<u>Yes % (n)</u>	<u>No % (n)</u>	<u>No Response</u>
Central Registries in Other States	63% (31)	25% (12)	12%	43% (21)	45% (22)	12%
Police/Law Enforcement	61% (30)	27% (13)	12%	43% (21)	45% (22)	12%
Court	60% (29)	29% (14)	12%	47% (23)	41% (20)	12%
Child Welfare Agencies	57% (28)	29% (14)	14%	43% (21)	43% (21)	14%
Prosecutors/ Attorneys	57% (28)	31% (15)	12%	45% (22)	43% (21)	12%
Physicians	39% (19)	49% (24)	12%	27% (13)	61% (30)	12%
Parents' Attorney	35% (17)	53% (26)	12%	31% (15)	57% (28)	12%
Parent/ Caretaker	33% (16)	55% (27)	12%	25% (12)	63% (31)	12%
Perpetrator's Attorney	33% (16)	55% (27)	12%	29% (14)	59% (29)	12%
Grand Jury	29% (14)	59% (29)	12%	25% (12)	63% (31)	12%
Perpetrator/ Suspected Perp.	29% (14)	59% (29)	12%	25% (12)	63% (31)	12%
Child Care/Foster Care Employers	18% (9)	69% (34)	12%	37% (18)	51% (25)	12%
Other	14% (7)	71% (35)	14%	16% (8)	69% (34)	14%
Researchers	10% (5)	78% (38)	12%	12% (6)	76% (37)	12%
Person Making Report	6% (3)	82% (40)	12%	12% (6)	76% (37)	12%

(n) = number of states

Figure 16:

Individuals and Agencies Eligible to Receive
Central Registry Data Without Identifiers

	% <u>Yes</u> (n)	% <u>No</u> (n)	No % <u>Response</u> (n)
Child Welfare Agencies	80% (40)	4% (2)	16% (8)
Central Registries in Other States	78% (39)	10% (5)	12% (6)
Court	78% (39)	6% (3)	16% (8)
Police/Law Enforcement	76% (38)	10% (5)	14% (7)
Prosecutors/Attorneys	76% (38)	8% (4)	16% (8)
Researchers	66% (33)	20% (10)	14% (7)
Grand Jury	60% (30)	22% (11)	18% (9)
Physicians	56% (28)	26% (13)	18% (9)
Parents' Attorney	54% (27)	30% (15)	16% (8)
Perpetrator's Attorney	52% (26)	28% (14)	20% (10)
Parent/Caretaker	52% (26)	28% (14)	20% (10)
Perpetrator/Suspected Perp.	48% (24)	32% (16)	20% (10)
Other	36% (18)	16% (8)	48% (24)
Person Making Report	34% (17)	42% (21)	24% (12)
Guardian Ad Litem*	28% (14)	4% (2)	68% (34)

*This category was written under "other" by many states and may not be wholly representative because it was not offered as a separate category.

(n) = number of states

b. Timeliness of Reports

For a treatment-oriented registry, the timeliness of reports is very important and may be related to use of registry records. Diagnosis requires quick telephone access to registry information. On the other hand, use of registry information for screening applicants, research, management and planning, public information and other non-treatment purposes, permits more time for legal safeguards to be observed and for responses to be mailed.

Timeliness can be facilitated by the presence of a 24-hour, seven day per week hotline. Twenty-six registries have this sort of hotline. A few of these are not exclusively devoted to problems of child abuse and neglect, but are used to report substance abuse as well. In addition, ability to make and receive requests by telephone affects timeliness. Forty of the 45 registries that answered this question said they accepted requests for information by telephone and 42 accepted requests by mail. Of the 45 registries that accept requests for information by either mail or phone, 43 answered the question of how they responded to these requests. Thirty-four responded by mail or telephone, five used mail exclusively, and three responded by telephone only, and one respondent reported that the registry did not respond by either mail or telephone.

c. Number of Uses

The analytic framework suggests that due process oriented registries have fewer, more specified applications of data than the more treatment oriented registries. Figure 17 lists nine specified uses of registry data contained in the National Center survey and the percentage of responses from 49 jurisdictions.

Figure 17:
Uses of Central Registry Data

	<u>Yes</u>	<u>No</u>	<u>No Response</u>
Research in general	86%	8%	6%
Program planning and budgeting	84%	6%	10%
Screening applicants for day care, foster care, adoption	68%	18%	14%
Creating statistical profiles of child victims and perpetrators or suspected perpetrators	66%	22%	12%
Tracking of known abusers between jurisdictions	56%	28%	16%
Creating risk assessment models	43%	38%	18%
Diagnosis of suspected cases of abuse or neglect	42%	34%	24%
Identifying cases of recidivism and hospital shopping	32%	40%	28%
Assessing performance of investigative agencies by monitoring follow-up reports	28%	50%	22%

Nearly all registries claimed to use registry data for research and program planning. Treatment-oriented uses, such as diagnoses and identifying cases of recidivism, were indeed among the least common of registry data. The follow-up telephone survey in 1987 revealed a more extensive use of registry data for screening purposes. Only four states claimed not to do screening at all. Figure 18 indicates the types of applicant screening performed by the states. The screening done in some of these states is limited to candidates for adoption, foster care, and day care; others screen babysitters, camp counselors, social workers in child protection service, or volunteers working with children. No

registry currently screens applicants for teaching positions. Screening in states without perpetrator files is done using the victim files only. Even registries with perpetrator files can only screen caretakers who abuse or neglect children, because strangers who maltreat children may be reported to the police and not the central registry.

F. Classification of Central Registries

An attempt was made to create a typology of registries based upon the questionnaire and telephone survey data. Can registries be classified on a single continuum ranging from treatment-orientation to due process-orientation?

1. The Theory

The treatment-orientation as described in the model outlined in Figure 1 makes extensive demands on registries. A registry organized to assist in providing treatment, without considering any other goals at all, would have the following characteristics:

- o would retain both substantiated and unsubstantiated reports to facilitate identification of any patterns in occurrence of child abuse and neglect;
- o would retain records for relatively long periods of time so that a child at risk could be monitored;
- o would require relatively low standards of evidence to add names to the registry because of the philosophy that it is better to err on the side of protection of children than to worry about unfairly placing a name on the registry (especially since the registry would not be used for punishment but to offer services).
- o would grant relatively easy access to registry data to a comparatively large number of eligible recipients to assist in prevention of abuse and neglect;
- o would frequently update and amend records to facilitate monitoring of services received, tracking child victims, and to prevent hospital shopping.

FIGURE 18
SCREENING BY CENTRAL REGISTRIES

Screening	Adoption	Foster Care	Day Care Hiring	Day Care Licenses	Social Workers in CPS	Social Workers	Babysitters	Volunteers	"Others"
AL	AL	AL							
AK	AK	AK							
AZ	AZ	AZ			AZ				
AR	AR	AR	AR						
CA		CA	CA				CA	CA	
CO	CO	CO	CO	CO					
CT	CT	CT	CT	CT					
DE	DE	DE	DE	DE					
DC	DC	DC	DC				DC	DC	
FL	FL	FL	FL	FL					
GA	GA	GA	GA	GA					
HI	HI	HI	HI						
ID	ID	ID	ID		ID		ID	ID	
IA	IA	IA	IA			IA			
IL	IL	IL	IL	IL					
KS	KS	KS	KS	KS	KS		KS	KS	KS*
KY	KY	KY	KY	KY	KY	KY	KY		
LA	LA	LA							
ME	ME	ME	ME	ME	ME			ME	
MA	MA	MA					MA		MA*
MI		MI	MI						
MS	MS	MS	MS		MS		MS	MS	
MO	MO	MO	MO		MO	MO	MO		
NE	NE	NE	NE	NE			NE	NE	
NV	NV	NV	NV					NV	
NH	NH	NH	NH						
NJ	NJ	NJ			NJ				
NM	NM	NM	NM						
NY	NY	NY	NY	NY				NY	NY*
NC	NC								
ND	ND	ND	ND				ND	ND	
OK	OK	OK	OK				OK		
OR	OR	OR	OR						
PA	PA	PA	PA				PA		
RI	RI	RI	RI	RI	RI				
SC	SC								
SD	SD	SD	SD	SD	SD				
TN	TN	TN	TN	TN	TN	TN			
TX	TX	TX	TX	TX					
UT	UT	UT	UT						
VT									
VA	VA	VA	VA	VA					
WA	WA	WA	WA	WA					
WV		WV	WV						
WY	WY	WY	WY	WY					

NOTE: Most states that screen for babysitters or volunteers do this as a service not routinely. Maryland, Montana, Ohio, and Puerto Rico do not use screening. In states without a central registry, Indiana, Minnesota, and Wisconsin, screening procedures vary by county.

* In the "other" category KS has Big Brothers; MA has Chore Providers, and NY has persons over 18 in a foster home.

Source: National Center for State Courts Telephone Survey, January, 1988.

These characteristics of treatment-oriented registries require a central hotline for rapid receipt and dissemination of information and an automated system for rapid retrieval of names. The presence of a hotline and automated system further implies a large staff to operate those facilities.

The focus of the due process orientation is upon the perpetrator, rather than the child victim. The object is to protect innocent people against false accusations. The prototype due process registry would have the following characteristics:

- o would retain only substantiated cases on the registry to avoid unfairness to suspected perpetrators whose involvement with child abuse or neglect is unproven;
- o would quickly remove reports of abuse or neglect determined to be unsubstantiated;
- o would require high standards of evidence and proof before any name would be added to the registry;
- o would restrict access to registry data to fewer agencies with a need to know;
- o would frequently review names on the registry to ensure that names or identifying information were removed when they were supposed to be.

The due-process oriented registry does not require the same rapid access to information that treatment implies. Names could be sent to a central source for screening and the response made by mail with no threat at all to due process. Therefore, a central hotline operated by a large staff 24 hours per day would not be required. Furthermore, because only substantiated cases would be retained on the registry, the number of records entered would be much smaller (Figure 1 in Part III of this report shows that the rate of substantiation in the states varies from 20% to 67%), therefore, searches could be made more quickly and the register

would require less storage space than a treatment-oriented register. Automation would be helpful, but not as crucial as it is in a treatment-oriented register.

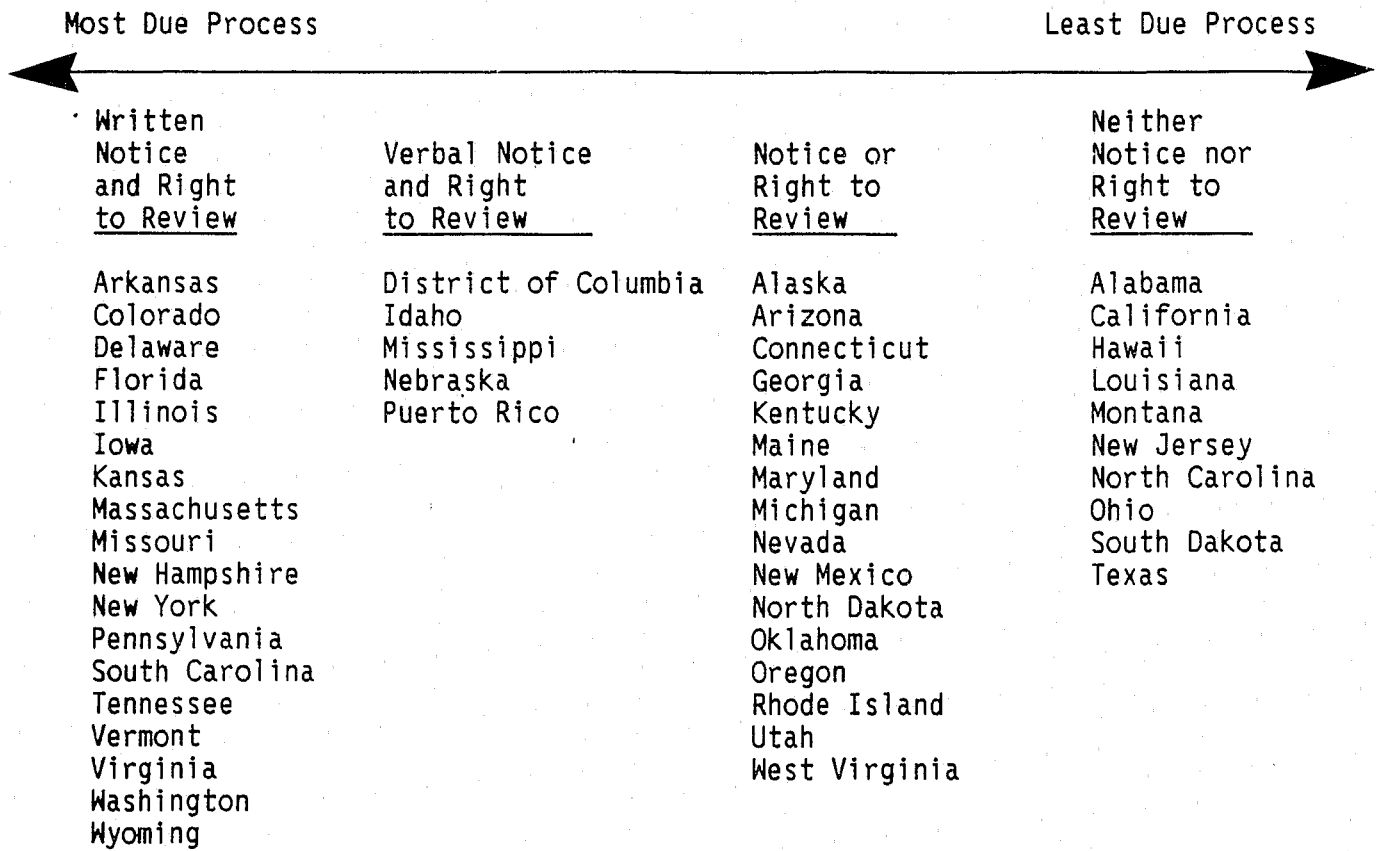
2. The Findings

The variables listed in Appendix E were subjected to numerous sophisticated types of cluster analyses, called factor analysis (Rummel), to determine if the characteristics of central registries would form into the clusters of treatment and due process models (Figure 1), or whether the variables would cluster into three sets by subject matter-- recordkeeping, procedures, and data usage (Appendix E). Factor analysis is an extremely powerful technique that is likely to identify clusters that exist. Regardless of the type of analysis used, the characteristics of central registries were too diverse to be classified on two or three dimensions.

The legal variables provision of notice and right to review records are related. Figure 19 combines these two variables into a due process-oriented index. The most due process-oriented registries give subjects of a report written notice that their names were about to be entered or had been entered onto the register and permitted subjects of a report to review the record (except, of course, for confidential information such as the name of the person who made the report). Registries that provided only verbal notice were classified in a second category. A third category was reserved for registries that either permitted review of the record but no notice or vice versa. The least due process oriented registries did not provide notice and did not permit subjects of a report to review reports concerning them. Figure 19 lists registries according to degree of due process-orientation.

Figure 19

Due Process Orientation



The formation of this index is interesting in itself because it shows that the overlay of due process can be measured even though there is no equivalent index of treatment orientation. In short, the due process and treatment orientations are not two poles of the same continuum, but two separate dimensions. Since one of the objectives of this research was to determine the effects of adding due process considerations to existing registries, the construction of a due process index will permit those hypotheses to be tested.

According to the theory outlined in section F1 above, a prototype due process registry would keep only substantiated cases, quickly purge or expunge identifying information from unsubstantiated reports, require high standards of proof, index information by perpetrator, restrict agencies authorized to receive information and be most likely to use registry data for screening. Moreover, these registries would not require the same rapid access to information that treatment implies; therefore, they would be less likely to operate a hotline 24 hours per day and be less likely to be automated. These hypotheses will now be tested.

Figure 20 indicates the relationship between due process and types of records kept in a central registry. It was expected that the most due process oriented registries would retain only substantiated cases.

Figure 20

Due Process and Types of Records Kept

<u>Due Process</u>	<u>Substantiated Only</u>	<u>Unsubstantiated and Substantiated</u>	
written notice and review	12	6	18
verbal notice and review	2	4	6
notice or review	5	11	16
neither notice or review	4	5	9
	—	—	—
	23	26	49

Although the relationship is not significant statistically, there is a tendency for registries that provide written notice and right to review records (most due process oriented) to retain only substantiated cases on the registry. Due process-oriented registries were also less likely than others to use an "undetermined" disposition category. Because there is a strong relationship between types of reports kept in a central registry and the length of time unsubstantiated reports are retained, due process-orientation was also associated with quick expunction of unsubstantiated cases and more rapid purging of substantiated cases. Due process-oriented registries were significantly more likely than the others to expunge records from both the central registry and local agency offices as well.

The hypothesized relationship between due process orientation and level of evidence did not materialize. Registries that provided written notice and the right to review records did not require a higher standard of proof e.g., preponderance of evidence or clear and convincing evidence, than other registries.

As might be expected, the percentage of entries challenged were related to provision of notice and right to review records. Because challenges to entry of information onto registers is relatively infrequent, and because proportion of challenges were estimates, responses were dichotomized into those registries in which some entries were challenged and those registries in which entries never were challenged. Fourteen of the 18 most due process-oriented registries received challenges to entry and four did not. The other 25 registries with less stringent due process requirements were divided evenly between registries that had entries challenged and those that did not.

According to the revised model, the due process-oriented registries should be more sensitive to issues of confidentiality and therefore restrict the number of agencies eligible to receive registry data and the number of uses of registry data. In fact, there was no significant difference between due process registries and the others in terms of the numbers of agencies or individuals eligible to receive information identifying the perpetrator or child victim. Interestingly enough, the most due process-oriented registries were more willing than others to release to more agencies and individuals information that did not identify subjects of the report by name. The most due process-oriented registries released non identifying data to an average of 11 agencies in contrast to the least due process registries which released information to an average of 7 agencies.

Contrary to expectations, the most due process-oriented registries did not have a fewer number of uses for their data than did the others nor were they more or less likely to use registry data for risk assessment. Because all but five registries (Colorado, Maryland, Montana,

Ohio, and Puerto Rico) claim to use registry data to screen applicants for adoption, foster care and child care, it is not possible to distinguish due process registries from others on the basis of screening.

Even though not related to screening per se, a due process-orientation was somewhat related to characteristics of perpetrators maintained on a register. Due process registries were most likely to retain the basic characteristics of perpetrators, such as name, age, and sex. Registries that tried to identify treatment-type variables, such as stress, were less concerned with due process. Registries which recorded characteristics of perpetrators on blank lines or financial characteristics of perpetrators, such as employment and income, were equally divided between most and least due process-orientations.

Data on resources available to registries was not good quality. For example, it was difficult to determine the cost of operating each registry because of the way in which personnel and functions are divided among the central registry and the more general child welfare system. In some states, the registry is not a budget line item and the proportion of personnel time devoted to registry activities must be estimated. From the data available, there was no discernable difference between registries that were most due process-oriented and others in terms of degree of automation or presence of a hot line.

Registries that used hotlines did not have significantly larger staffs than registries which did not use 24-hour hotlines. Yet, all registries with more than 25 employees had hotlines. Similarly, the registries that were not automated had a small number of employees. Registries that were automated had a range of number of employees, from

few to many, but again all registries with more than six employees were automated.

In conclusion, it appears that registries with more due process safeguards can be identified, but they are not as different from less due process-oriented registries than the theory would have us believe. There is a tendency for the most due process-oriented registries to keep substantiated cases only on the register, to avoid the use of an "undetermined" disposition category, to more rapidly expunge information from unsubstantiated cases and to more rapidly purge substantiated reports. Because they give written notice, more due process-oriented registries tend to have a greater proportion of their entries challenged. On the other hand, the most due process-oriented registries cannot be distinguished from the others in terms of uses of registry data, number of agencies eligible to receive confidential information, level of evidence required to substantiate a case, or presence of hotlines and computer systems. In other words, adding an overlay of due process considerations may not affect registry operations as much as once believed.

Part III

CENTRAL REGISTRIES IN NINE STATES: RECORDKEEPING, DUE PROCESS, AND DATA USAGE

The Site Visits

To obtain more information on how registries work in practice and to validate questionnaire responses, site visits by a multi-disciplinary research team were scheduled initially for six registries. A research team of three people visited each site to interview staff and users of registry data. One team member was an attorney, who focused on issues of confidentiality and due process, the second member was a specialist in automated systems or records management, and the third member, the project director, focused on data usage and analysis. While on site, research team members were alert to discover innovative practices or procedures, discrepancies between the way the system is perceived and the way it actually works, purposes for which registry data were used, as well as the satisfaction of users, and the confidentiality and security of records.

The criteria for selecting sites to be visited were as follows:

1. Uses of Registry Information.

The questionnaire listed nine uses of registry data, including research, planning and budgeting, applicant screening, prevention, and diagnosis of suspected cases of maltreatment. Registries selected for visitation included both those which make extensive use of the data and those which use the data for narrow, specific purposes.

2. Types of Reports Maintained.

A diagnosis or treatment orientation, whereby knowledge of all previous reports of maltreatment is used to detect patterns of abuse, requires a record of all reports, whether substantiated or not. Placing only substantiated cases in the register suggests a due process orientation. Registries selected for visitation included both those maintaining records of all reports as well as those maintaining only

substantiated reports. A related criterion was whether registries keep data indexed by suspected perpetrator as well as by victim.

3. Innovativeness.

Presence of innovative practices or procedures was a criterion for selection.

4. Type of System.

Because most registries are automated or in the process of automating, more automated sites were selected than non-automated sites. Nevertheless, one of the sites selected did use a manual system. The presence or absence of a "hotline" also was considered as an automation-related criterion.

5. Self-Evaluation.

Evaluation of the quality of data maintained in the register by the person completing the questionnaire was a consideration. However, this criterion was given less weight because the assessments appeared to vary by the person completing the questionnaire.

6. Accessibility.

This criterion has two parts: the site must have had a statewide central registry, as opposed to a set of decentralized registers kept by county, and they must agree to a visit. The sites selected were willing to cooperate with our research and to share their experiences with other registries.

Figure 1 enables these key characteristics of registries to be viewed comparatively. (To avoid confusing the reader, Figure 1 contains characteristics as they are known now. Appendix D contains information available to staff at the time site visits were scheduled.)

Using the criteria listed above, project staff in consultation with project officers at the National Center for Child Abuse and Neglect, selected the following sites as candidates for visitation:

Connecticut
Colorado
Florida
Illinois
New Hampshire
Pennsylvania
Utah
Virginia

Figure 1. State by State Summary of Registry Information

STATE	ALABAMA	ALASKA	ARIZONA	ARKANSAS	CALIFORNIA	COLORADO	CONNECTICUT
Agency which maintains CR	Department of Pensions and Security	Division of Family and Youth Services	Department of Economic Security	Division of Children and Family Services	Department of Justice	Department of Social Services	Department of Children & Youth Services Emergency & Information Service
Year CR started	1976		1970		1965	1969	1982
Approximate total reports in CR	"Thousands"		110,000	40,000	390,000	55,000	57,000
Total reports received for last fiscal year reported				14,159		9,268	17,051
Substantiation rate							
Percent total	56%	—	—	34-36%	—	59%	66%
Percent physical abuse	51%	—	—	—	—	46%	72%
Percent sexual abuse	64%	—	—	50%	—	55%	77%
Percent neglect	51%	—	—	—	—	34%	60%
Number of fatalities*	—	2-5	—	12	150	12	—
Number of employees							
Total	1	—	2	3	25	3	12
Professional			1	1	24	1	10
Administrative			1	2	1	2	2
Type of hotline	No hotline	State	No hotline	State	No hotline	No hotline	State
Automated or manual	Manual	Automated	Automated	Automated	Automated	Automated	Automated
Disposition categories	indicated reason to suspect not indicated unable to complete	substantiated unsubstantiated unconfirmed	valid invalid undetermined	substantiated unsubstantiated unable to locate	substantiated unsubstantiated unfounded	confirmed ruled out** inconclusive** lack of evidence/case pending	confirmed not confirmed at risk
Type of records kept	substantiated unsubstantiated	substantiated unsubstantiated	substantiated unsubstantiated	substantiated unsubstantiated	substantiated	substantiated**	substantiated
Data on perpetrator	Yes	No	Yes	Yes	Yes	Yes	No
Number and uses of registry data	(6) 1. Research 2. Diagnosis 3. Planning & Budgeting 4. Screening 5. Staffing 6. Tracking	(6) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Screening 5. Assessing Agency Performance 6. Placement	(5) 1. Research 2. Statistical Profiles 3. Diagnosis 4. Planning & Budgeting 5. Screening	(7) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Tracking 5. Planning & Adoption 6. Recidivism & Hospital Shopping 7. Screening	(5) 1. Research 2. Risk Assessment 3. Tracking 4. Planning & Budgeting 5. Screening	(4) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Screening	(4) 1. Research 2. Diagnosis 3. Planning & Budgeting 4. Screening

* May be estimates.

** Not applicable after July 1, 1987.

STATE	DELAWARE	D.C.	FLORIDA	GEORGIA	HAWAII	IDAHO	ILLINOIS	INDIANA
Agency which maintains CR	Department of Services for Children, Youth, and Their Families	Family Services Administration	Department of Health and Rehabilitative Services	Division of Family & Children's Services	Department of Social Services and Housing	Dept. of Health and Welfare	Department of Children and Family Services	Department of Child Welfare/Social Services Division
Year CR started	1979		1971	1982	1967		1975	
Approximate total reports in CR	20,000		1,000,000	Unknown	23,000		117,970	
Total reports received for last fiscal year reported		4,449				7,087	41,498	23,644
Substantiation rate								
Percent total	44%	28%	59%	45-47%	59%	50%	49%	64%
Percent physical abuse	33%	58%	—	—	25%	27%	45%	38%
Percent sexual abuse	46%	—	61%	—	11%	21%	60%	26%
Percent neglect	40%	17%	—	—	54%	55%	43%	46%
Number of fatalities	2-5	4	—	—	—	4	—	17
Number of employees								
Total	38	—	75	1	0	.25	65	—
Professional	30	—	30	—	—	—	46	—
Administrative	8	—	35	—	—	—	2	—
Type of hotline	State	State	State	No hotline	No hotline	No hotline	State	—
Automated or manual	Automated	Automated	Automated	Automated	Automated	Automated	Automated	Automated
Disposition categories	founded unfounded reason to suspect unable to complete investigation	supported unsupported unable to locate (neglect) warned & counseled (abuse)	indicated unfounded	confirmed ruled out insufficient evidence	confirmed not confirmed	substantiated unsubstantiated erroneous complaint	indicated unfounded undetermined report	abuse substantiated neglect substantiated abuse unsubstantiated neglect unsubstantiated indication of abuse
Type of records kept	substantiated unsubstantiated	substantiated	substantiated unsubstantiated	substantiated unsubstantiated	substantiated unsubstantiated	substantiated unsubstantiated	substantiated	substantiated
Data on perpetrator	No	No	Yes	Yes	No	Yes	Yes	
Number and uses of registry data	(4) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Screening	(5) 1. Diagnosis 2. Risk Assessment 3. Planning & Budgeting 4. Recidivism & Hospital Shopping	(9) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Tracking 5. Diagnosis 6. Planning & Budgeting 7. Screening 8. Assessing Agencies 9. Performance Recidivism & Hospital Shopping	(5) 1. Research 2. Risk Assessment 3. Tracking 4. Planning & Budgeting 5. Screening (day care licenses-only)	(6) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Planning & Budgeting 5. Screening 6. Identifying Recidivism & Hospital Shopping	(5) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Planning & Budgeting 5. Screening	(9) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Tracking 5. Diagnosis 6. Planning & Budgeting 7. Screening 8. Assessing Agencies 9. Performance Recidivism & Hospital Shopping	(varies by county)

STATE	IOWA	KANSAS	KENTUCKY	LOUISIANA	MAINE	MARYLAND	MASSACHUSETTS	MICHIGAN
Agency which maintains CR	Department of Human Services	Department of Social and Rehabilitation Services	Cabinet for Human Resources	Division of Children, Youth, and Family Services	Department of Human Services	Department of Human Services	Department of Social Services	Department of Social Services
Year CR started	1976	1976	1976	1984	1978			1976
Approximate total reports in CR	60,000	10,000	195,968	50,000	Unknown			
Total reports received for last fiscal year reported	17,035						35,085	
Substantiation rate								
Percent total	30%	20%	45%		55%	38%	52%	33%
Percent physical abuse	34%	---	24%		---	34%	34%	42%
Percent sexual abuse	31%	---	9%		---	48%	16%	---
Percent neglect	20%	16%	67%		---	---	59%	52%
Number of fatalities	8	12	9		0-2	---	---	---
Number of employees								
Total	4.5	1	1	35	---	2	---	---
Professional	1	0	0	20		2		
Administrative	3.5	0	0	6		1		
Type of hotline	State	No hotline	State	State	State	No hotline	State	No hotline
Automated or manual	Automated	Automated	Automated	Automated	Automated	Automated	Automated	Automated
Disposition categories	founded unfounded undetermined	confirmed confirmed-eligible for services unfounded	substantiated found and substantiated (neglect) some indication unsubstantiated not located	substantiated unsubstantiated undetermined	substantiated unsubstantiated	*confirmed indicated uncertain ruled out	substantiated unsubstantiated	substantiated unsubstantiated
Type of records kept	substantiated	substantiated	substantiated unsubstantiated	substantiated unsubstantiated	substantiated unsubstantiated	substantiated unsubstantiated	substantiated unsubstantiated	substantiated
Data on perpetrator	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Number and uses of registry data	(9) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Tracking 5. Diagnosis 6. Planning & Budgeting 7. Screening 8. Assessing Agencies Performance 9. Recidivism & Hospital Shopping	(6) 1. Research 2. Statistical Profiles 3. Diagnosis 4. Program Planning & Budgeting 5. Screening 6. Identifying Recidivism and Hospital Shopping	(5) 1. Research 2. Statistical Profiles 3. Tracking 4. Planning & Budgeting 5. Screening	(3) 1. Statistical Profiles 2. Tracking 3. Screening	(4) 1. Research 2. Statistical Profiles of Victims 3. Planning & Budgeting 4. Screening	(5) 1. Research 2. Diagnosis 3. Planning & Budgeting 4. Assessing Agency Performance 5. Identifying Recidivism and Hospital Shopping	(6) 1. Research 2. Statistical Profiles 3. Tracking 4. Planning & Budgeting 5. Screening 6. Diagnosis	(6) 1. Research 2. Tracking 3. Planning & Budgeting 4. Assessing Agency Performance 5. Recidivism and Hospital Shopping 6. Screening

*Neglect in Maryland is only confirmed or ruled out.

STATE	MINNESOTA	MISSISSIPPI	MISSOURI	MONTANA	NEBRASKA	NEVADA	NEW HAMPSHIRE
Agency which maintains CR	Department of Human Services	Department of Public Welfare	Division of Family Services	Department of Social and Rehabilitation Services	Department of Social Services	State Welfare Division	Department of Health & Human Services
Year CR started		1972	1975	1984	1976	1962	1976
Approximate total reports in CR			Unknown	10,000	Unknown	64,000	28,765
Total reports received for last fiscal year reported		9,009				7,282	3,765
Substantiation rate							
Percent total	40%	50%	37%	67%	61%	53%	45%
Percent physical abuse	—	24%	—	43%	—	25%	28%
Percent sexual abuse	—	18%	—	44%	—	—	21%
Percent neglect	—	43%	—	38%	—	69%	7%
Number of fatalities	3-11	11-18	39	7	—	—	—
Number of employees							
Total	—	1	34	1.0	1	2	1
Professional	—	1	26	.2	1	1	1
Administrative	—	—	8	.8	—	1	.1
Type of hotline	—	State	State	Private hotline	State	State	No hotline
Automated or manual	Automated	Automated	Automated	Automated	Automated	Automated	Manual
Disposition categories	substantiated unable to substantiate false	substantiated unsubstantiated	reason to suspect unsubstantiated	substantiated unsubstantiated unable to locate	inconclusive- court sub- stantiated inconclusive- agency sub- stantiated unfounded unable to locate	substantiated unsubstantiated unable to locate unable to prove	founded, case opened founded, problem resolved unfounded at risk investigation not complete
Type of records kept	substantiated	substantiated unsubstantiated	substantiated	substantiated	substantiated	substantiated unsubstantiated	substantiated unsubstantiated
Data on perpetrator	No	Yes	Yes	No	Yes	Yes	Yes
Number and uses of registry data	(3) 1. Research 2. Planning & Budgeting 3. Screening	(8) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Tracking 5. Diagnosis 6. Planning & Budgeting 7. Screening 8. Assessing Agencies Performance	(7) 1. Research 2. Statistical Profiles 3. Tracking 4. Planning & Budgeting 5. Screening 6. Assessing Agencies Performance 7. Diagnosis	(12) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Diagnosis 5. Planning & Budgeting 6. Assessing Agencies Performance 7. Identifying Recidivism & Hospital Shopping 8. Preparation of Legislative testimony 9. Needs of CPS workers 10. Training 11. Community/Public Education 12. Legislative Requests	(5) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Planning & Budgeting 5. Screening	(4) 1. Research 2. Statistical Profiles 3. Planning & Budgeting 4. Screening	(4) 1. Research 2. Screening 3. Annual Report 4. Risk Assessment

STATE	NEW JERSEY	NEW MEXICO	NEW YORK	NORTH CAROLINA	NORTH DAKOTA	OHIO	OKLAHOMA
Agency which maintains CR	Division of Youth & Family Services	Human Services Department	Department of Social Services	Department of Human Resources	Department of Human Services	Department of Human Services	Department of Human Services
Year CR started	1979	1983	1973	1983		1967	1972
Approximate total reports in CR	100,000	696,384	622,800	75,000		100,000	143,002
Total reports received for last fiscal year reported	50,413						
Substantiation rate							
Percent total	36%	40%	36-38%	36%	55%	55%	37%
Percent physical abuse	39%	46%	---	25%	---	---	---
Percent sexual abuse	11%	48%	---	---	---	---	---
Percent neglect	50%	37%	---	42%	---	---	---
Number of fatalities	12	---	161	11	2	30	31
Number of employees							
Total	---	---	140	1.8	---	1	0
Professional			108	.3			
Administrative			32	1.5			
Type of hotline	State	State	State	No hotline	No hotline	No hotline	State
Automated or manual	Automated	Automated	Automated	Automated	Automated	Automated	Automated
Disposition categories	substantiated unsubstantiated	confirmed/ alleged not confirmed suspected unable to complete	indicated unfounded	substantiated unsubstantiated	probable cause no probable cause	indicated substantiated unsubstantiated	confirmed ruled out uncertain
Type of records kept	substantiated unsubstantiated	substantiated	substantiated	substantiated unsubstantiated	substantiated unsubstantiated	substantiated	substantiated unsubstantiated
Data on perpetrator	No	No	Yes	Yes	Yes	Yes	No
Number and uses of registry data	(7) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Diagnosis 5. Planning & Budgeting 6. Assessing Agencies Performance 7. Screening	(5) 1. Research 2. Statistical Profiles 3. Screening & Budgeting 4. Planning 5. Assessing Agencies Performance	(3) 1. Research 2. Planning & Budgeting 3. Screening	(3) 1. Research 2. Planning & Budgeting 3. Screening	None reported- new system	(7) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Tracking 5. Planning & Budgeting 6. Assessing Agencies Performance 7. Identifying Cases of Recidivism	(8) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Diagnosis 5. Tracking & Budgeting 6. Planning & Budgeting 7. Screening 8. Identifying Recidivism & Hospital Shopping

STATE	OREGON	PENNSYLVANIA	PUERTO RICO	RHODE ISLAND	SOUTH CAROLINA	SOUTH DAKOTA	TENNESSEE
Agency which maintains CR	Department of Human Resources	Department of Public Welfare	Department of Social Services	Department for Children and Their Families	Department of Social Services	Department of Social Services	Department of Human Services
Year CR started	1972	1975	1977	1984	1982		1985
Approximate total reports in CR	111,808	50,000	40,000	40,000			
Total reports received for last fiscal year reported	19,834	20,667					
Substantiation rate							
Percent total	50%	35%	48%	40%	29%	43%	
Percent physical abuse	24%	44%	—	—	—	—	
Percent sexual abuse	31%	51%	10%	—	54%	—	
Percent neglect	38%	4%	—	—	—	—	
Number of fatalities	18	44	3-4	—	18	7	
Number of employees							
Total	—	45	20	19	47	—	—
Professional		23	7	13	46		
Administrative		22	1	6	1		
Type of hotline	No hotline	State	State	State	No hotline	No hotline	No hotline
Automated or manual	Automated	Automated	Manual	Automated	Automated	Automated	Automated
Disposition categories	founded unfounded unable to determine	founded indicated unfounded pending juvenile court action	founded unfounded under investigation not located	indicated unfounded unable to complete	founded indicated unfounded	substantiated unsubstantiated	indicated unfounded
Type of records kept	substantiated	substantiated	substantiated unsubstantiated	substantiated unsubstantiated	substantiated	substantiated unsubstantiated	substantiated
Data on perpetrator	No	Yes	Yes	Yes	Yes	Yes	Yes
Number and uses of registry data	(8) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Tracking 5. Diagnosis 6. Planning & Budgeting 7. Assessing Agencies Performance 8. Screening	(7) 1. Research 2. Statistical Profiles 3. Tracking & Budgeting 4. Planning & Budgeting 5. Screening 6. Assessing Agencies Performance 7. Identifying Cases of Recidivism	(3) 1. Research 2. Statistical Profiles 3. Planning & Budgeting	(5) 1. Research 2. Tracking 3. Planning & Budgeting 4. Screening 5. Assessing Agencies Performances	(4) 1. Research 2. Tracking 3. Planning & Budgeting 4. Screening	(7) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Diagnosis 5. Planning & Budgeting 6. Screening 7. Identifying Cases of Recidivism and Hospital Shopping	(5) 1. Statistical Profiles 2. Risk Assessment 3. Tracking 4. Planning & Budgeting 5. Screening

STATE	TEXAS	UTAH	VERMONT	VIRGINIA	WASHINGTON	WEST VIRGINIA	WISCONSIN	WYOMING
Agency which maintains CR	Department of Human Services	Department of Social Services	Department of Social and Rehabilitative Services	Department of Social Services	Department of Social and Health Services	Department of Human Services	Department of Health and Social Services	Department of Health and Social Services
Year CR started	1968	1982	1982	1975	1976			1975
Approximate total reports in CR	30,000			80,000	58,000			
Total reports received for last fiscal year reported		11,390		47,888				
Substantiation rate								
Percent total	53%	28%	57%	44%	—	35-40%	33%	47%
Percent physical abuse	—	44%	59%	18%	—	—	29%	27%
Percent sexual abuse	—	36%	68%	13%	—	—	52%	—
Percent neglect	—	—	48%	24%	—	—	25%	17%
Number of fatalities	129	5	0-1	14	27	—	15	2
Number of employees								
Total	4	—	less than 1	13	0	1	—	0
Professional	3			10	.25			
Administrative	1			3	.10			
Type of hotline	State	No hotline	No hotline	State	No hotline	No hotline	No hotline	No hotline
Automated or manual	Automated	Automated	Automated	Automated	Automated	Automated	Automated	Automated
Disposition categories	adjudicated reason to believe unfounded family moved	founded unfounded unable to locate	founded unfounded pending	founded unfounded reason to suspect investigation pending	substantiated	substantiated	substantiated unsubstantiated not able to support	substantiated unsubstantiated
Type of records kept	substantiated	substantiated	substantiated	substantiated unsubstantiated	substantiated	substantiated unsubstantiated	(county decides)	substantiated
Data on perpetrator	Yes	Yes	Yes	Yes	Yes	Yes		Yes
Number and uses of registry data	(8) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Tracking 5. Diagnosis 6. Planning & Budgeting 7. Screening 8. Identifying Recidivism and Hospital Shopping	(8) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Tracking 5. Diagnosis 6. Assessing Performance 7. Identifying Recidivism and Hospital 8. Screening	(7) 1. Research 2. Statistical Profiles 3. Risk Assessment 4. Tracking 5. Diagnosis 6. Planning & Budgeting 7. Screening	(8) 1. Research 2. Statistical Profiles 3. Tracking 4. Diagnosis 5. Planning & Budgeting 6. Assessing Agencies Performance 7. Identifying Recidivism and Hospital Shopping 8. Screening	(4) 1. Tracking 2. Diagnosis 3. Screening 4. Identifying Recidivism and Hospital Shopping	(4) 1. Tracking 2. Diagnosis 3. Planning & Budgeting 4. Screening	(varies by county)	(5) 1. Research 2. Statistical Profiles 3. Tracking 4. Planning & Budgeting 5. Screening

By combining visits and by selecting two sites (Virginia and Colorado) which required less travel time because they were in states where the National Center maintains offices, it was possible to visit all eight states rather than the six originally planned. In addition, a ninth site, Louisiana, was later added in order so that the effects of deep budget cuts on registry operations could be documented.

This next section of the report contain reports from nine sites visited by three-person project teams: Chapter IV Colorado, Chapter V Connecticut, Chapter VI Florida, Chapter VII Illinois, Chapter VIII Louisiana, Chapter IX New Hampshire, Chapter X Pennsylvania, Chapter XI Utah, and Chapter XII Virginia. All site reports are organized according to the following outline:

I. OVERVIEW

1. Reason for selection as a site
2. Definition of abuse and neglect
- A. Organization and Personnel
 1. Registry in organizational context
 2. Human resources
 3. Financial resources
- B. Facilities
 1. Hotline
 - a. Number of calls received
 - b. Hotline management
 2. Information Systems
 - a. Type of hardware, software
 - b. Data management

II. CASE PROCESSING

- A. General Description
 1. Information flow
 2. Determination of case status

B. Incoming Reports

1. Number of reports
2. Source of reports

C. Report Information

1. Basic data elements
2. Efforts to secure complete and accurate data

D. Case Disposition

1. Disposition categories
2. Level of evidence to substantiate
3. Substantiation rates
 - a. Rates by reporters
 - b. Rates by county
 - c. Rates for abuse and neglect

E. Records Maintenance

1. Records Retention--Expungement and Purging Policy
2. Records Security

III. DUE PROCESS

A. Notification

B. Procedures

1. Procedures to challenge entry, request amendment, expungement or purging of records
2. Appeals process, including time frame for appeals

IV. RECORDS USAGE

A. Accessibility and Confidentiality

1. Who has access to registry records and for what purposes?
2. Policy on anonymous reports
3. Subject review of reports

B. Uses of Information

1. Internal Management
2. Screening Applicants
3. Research
4. Diagnosis and Tracking
5. Public Education

V. FUTURE DIRECTIONS

CHAPTER 1

COLORADO CENTRAL REGISTRY

I. OVERVIEW

The Central Registry for Child Protection was created by the Colorado legislature in 1969. (Colorado Revised Statute, subsequently cited as § 19-10-114).

Colorado law (§ 19-3-303(1)(A) defines "child abuse or neglect" as an act or omission in one of the following categories which threatens the health or welfare of a child:

- a. Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death, and such condition or death is not justifiably 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 circumstances indicate that such condition or death may not be the product of an accidental occurrence;
- b. Any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution; or
- c. Any case in which a child is in need of services because the child's parents, legal guardians, or custodians fail to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.

In 1980, the legislature deleted the term "seriously" from the original section of the definition which earlier had read "...which seriously threatens the health or welfare of a child." This deletion suggests a legislative intent to include less than "serious" injuries on the registry.

The statute (§ 19-3-303(1)(B) adds that..."accepted child-rearing practices of the culture in which the child participates" must be taken into account so that reasonable exercise of parental discipline is not proscribed.¹

In July of 1987, the Colorado legislature enacted a Department of Social Services (DSS) recommendation that only confirmed reports be entered on the Central Registry (§ 3-307(1)).

A. Organization and Personnel

Colorado is a state supervised, county administered system. Figure 1 shows the location of the registry in the Department of Social Services. Three full-time equivalent (FTE) registry staff (1 professional and 2 support) work at the state-level registry. In FY 1986-87, there were 373 caseworker positions allocated to child protective services in the 63 counties of Colorado (Child Protection Initiatives, 4).

B. Facilities

1. Hotline

Colorado has no state-wide telephone hotline for reporting cases of suspected child abuse or neglect.

2. Information Systems

The Central Registry database was automated in 1979 and now contains approximately 55,000 confirmed reports of child abuse or neglect. The database is physically located on the state's IBM 3090 computer located in Lakewood (a Denver suburb), and data are retrievable by central registry staff. County departments do not have direct access to data, but access the data base by calling the state central registry.

II. CASE PROCESSING

A. General Description

The initial report of suspected child abuse or neglect is made either directly to county departments of social services (see Figure 2), or to police, social service workers, teachers, therapists, day care providers or other mandated reporters who in turn make a report to county departments. All mandated reporters are to follow up the oral report with a written report

FIGURE 1
ORGANIZATION CHART

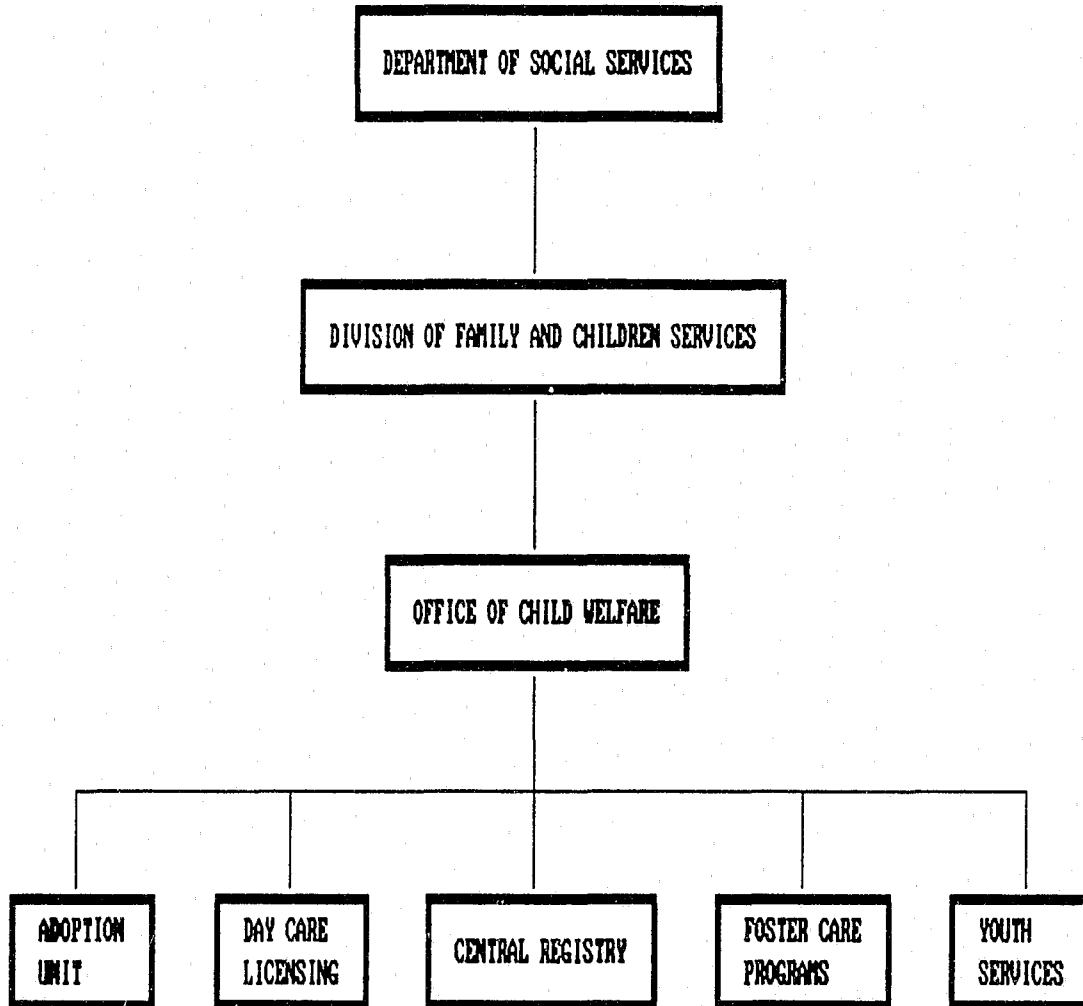
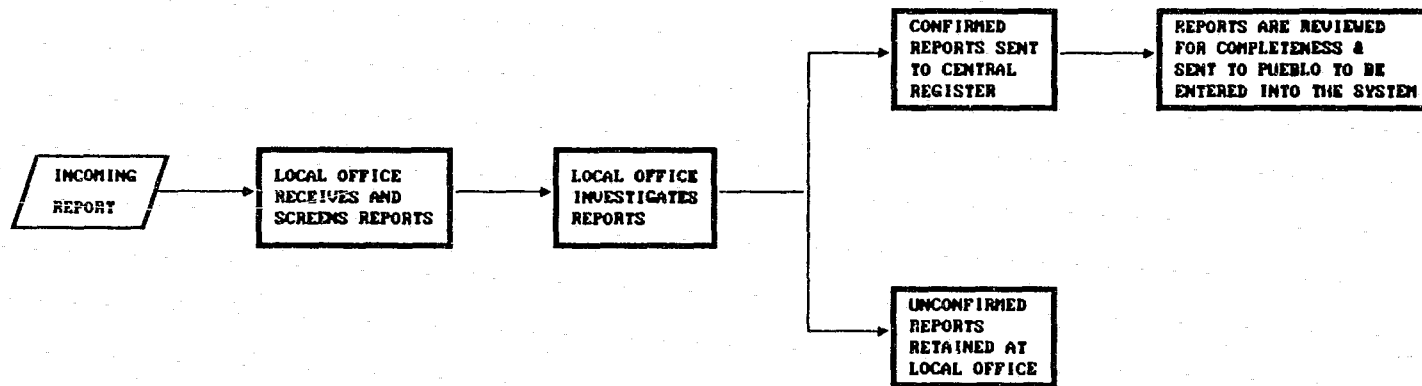


FIGURE 2

COLORADO ABUSE REPORT CASEFLOW



(C.R.S. § 19-3-307). The county departments investigate all such reports. In 1985, counties responded to 80% of the reports within 24 hours but in 1986, this figure dropped to 64% (Child Protection Initiatives, 3). If initial investigation reveals the report to be unconfirmed, no record of the investigation is sent to the Registry. If abuse or neglect is confirmed, a report (Figure 3) is sent to the Registry within 60 days from the time the initial report was received by the county office.

It should be noted that this procedure has been in place only since July 1, 1987. Previously, county agencies filed an initial report with the Registry within 15 days of receipt of complaint, if abuse or neglect were suspected after the initial investigation. After 90 additional days, the county would send a follow-up report to the Registry indicating whether the initial report was confirmed. Cases in which findings were inconclusive were removed from the Registry at that time. Reportedly, not all counties were conscientious in filing final reports. Moreover, "...county-to-county variations in precisely when to--or not to--enter a report with the Registry make it difficult to use the Registry as an accurate statewide barometer of the prevalence and incidence of abuse and neglect." (1986 Annual Report, 5). Discussions with DSS staff from both metropolitan and rural counties revealed that rural counties tended to report proportionately more cases of suspected abuse or neglect. For example, few reports of neglect are filed by the City and County of Denver, but they are reported in nearby Adams County. (The Denver Department of Social Services will, however, initiate a court proceeding on a neglect matter that it has not reported to the Registry.)

When the reports are received at the Central Registry, they are edited twice. Central registry personnel return illegible or incomplete forms to the county or phone the county for the missing information. After editing, the

forms are sent to Pueblo for key entry and are then shredded. Approximately two weeks elapse between the time a report is received at the Central Registry and the time the data are on the system and ready for use. Data on the system are not then returned to the county for verification and one caseworker noted that a printout from the state would be useful.

B. Incoming Reports

Persons required to report child abuse or neglect include: physicians, child health associates, medical examiners (coroners), dentists, osteopaths, optometrists, chiropractors, chiropodists or podiatrists, nurses, hospital personnel, Christian Science practitioners, school officials, public and private employees, social workers, workers in family care homes or child care centers, mental health professionals and (as of July 1987) peace officers, probation officers, parole officers, pharmacists, veterinarians, physical therapists, psychologists, dental hygienists, and commercial film and photographic print processors (§ 19-3-304).

The ten largest counties in Colorado receive 80% of the total reports of child abuse or neglect. In FY 1985, 27,462 cases of suspected child abuse or neglect were investigated in these ten counties (Child Protection Initiatives, 6). Less than a third of these investigations resulted in a report to the Central Registry. The number of confirmed reports that were entered on the registry for FY 1985 was 5,299 reports concerning 6811 children (1986 Annual Report, 5).

Approximately three quarters of suspected abuse or neglect reports come from professional sources. Of the 5,299 confirmed reports, 25% (1326) came from schools, 16% (867) from law enforcement agencies and courts, 13% (900) from medical personnel, and 6% (333) from social services agencies. The largest category of nonprofessional sources (1304 reports or 25%) is

classified as "informal/self". Anonymous reports are accepted, although efforts are made to obtain at least a telephone number from the person making the report. Although no figures on the percentage of reports made by anonymous reporters are kept, it is estimated that three to five percent of all reports come from anonymous sources.

There is a relationship between the source of a report and the type of abuse or neglect reported. Serious injury reports most frequently come from hospitals and health clinics, minor injury referrals usually originate with schools, neglect reports often come from law enforcement agencies and nonprofessionals, and sex abuse referrals tend to come from informal sources (1986 Annual Report, 16).

In 1985, reporting rates decreased in most larger counties, but increased in the majority of smaller counties. One problem in rural counties is the lack of physicians. Reportedly, if there is only one physician in the county, he or she may be reluctant to accept referrals to examine child victims for fear of losing the family as patients.

C. Report Information

Figure 3 shows revised Form CWS59 which is being used to report incidents of child abuse and neglect to the Registry. This revised form, which combines the information on the old CWS59 (Figure 4) with the data from form CWS 59A (Figure 5), is currently being pilot tested. Until the new forms replace the old, CWS-59's and 59A's must be filed together and only for cases substantiated by county investigation. Rules outlining the new procedure are expected to go into effect in Fall of 1988.

COLORADO DEPARTMENT OF SOCIAL SERVICES - TITLE XX DIVISION
STATE REGISTRY OF CHILD PROTECTION - FOLLOWUP REPORT

Child's Name _____ Sex _____ Birthdate _____ Ethnicity _____

Parent(s)/Substitute(s) _____ Incident No. _____

Address _____ Cnty _____ HH # _____

DISPOSITION OF CASE (CIRCLE)

I. Current Residence of Child (Circle)

1. Own Home
2. Relative Home
3. Foster Home
4. Residential Facility
5. Other

Was child out of home at any time
 During past 3 months? _____

If "Yes", state where _____

II. Decision for Child's Placement (Circle)

1. Voluntary
2. Court Order

III. Civil Court Action (Dependency and Neglect Petition) (Circle)

1. No Charges Filed
2. D & N Sustained
3. D & N Not Sustained
4. Hearing Continued
 (Date) _____

IV. Criminal Court Action (Circle)

1. No charges filed
2. Abuser convicted
3. Abuser acquitted
4. Deferred Prosecution
5. Disposition Pending

V. Identity of Alleged Perpetrator (Circle)

1. Mother
2. Father
3. Other Relative
4. Step Parent
5. Non-Relative
6. Unknown

Diagnostic Conclusion:

Confirmed by:

- Social Work Evaluation
- Police Investigation
- Medical Evaluation
- Court Findings

Ruled out by:

- Social Work Evaluation
- Police Investigation
- Medical Evaluation
- Court Findings

Inconclusive Findings:

- Lack of Evidence
- Case Pending in Court

Abuse

Neglect

1.	11.
2.	12.
3.	13.
4.	14.
5.	15.
6.	16.
7.	17.
8.	18.
9.	19.
10.	20.

Family Moved To: (Other State) _____

Has There Been Repeat of Abusive Incidents?

By Whom? _____

Special Services Provided Over Last 3 Months (Circle)

- | | |
|--------------------|--------------------------|
| 1. Homemaker | 5. Financial Assistance |
| 2. Day Care | 6. Employment Assistance |
| 3. Foster Care | 7. Shelter Care |
| 4. Health Services | |

Treatment Services Provided Over Last 3 Months

(Circle all applicable numbers)

- | | |
|--------------------------|-----------------------|
| 1. Family Counseling | 4. Lay Therapy |
| 2. Group Counseling | 5. Marital Counseling |
| 3. Individual Counseling | 6. Play Therapy |

Recommendations of Child Protection Team (If applicable) (Circle)

- | | |
|-----------------------|-----------------------|
| 1. None | 7. Refer other Agency |
| 2. Other | 8. Return Child |
| 3. Close case | 9. On-going Treatment |
| 4. Further Assessment | |
| 5. Place Children | |
| 6. Court Action | |

Name of Worker Making Report _____ County Department _____

Date of Report _____

COMPLETION AND ROUTING INSTRUCTIONS

- I. This report is to be completed by the county social service department which submitted the CWS-59A OR by the department which provided social services after the initial report.
- II. The report to be completed within 90 days following the initial report.
- III. The yellow copy is retained by the county social service department with the pink copy forwarded to the State Department, State Registry of Child Protection.

COLORADO DEPARTMENT OF SOCIAL SERVICES - TITLE XX DIVISION

STATE REGISTRY OF CHILD PROTECTION CHILD ABUSE/NEGLECT REPORT

FIGURE 4

PLEASE USE HARD BALL POINT PEN OR TYPEWRITER!

Date Report Received _____ Date Report Completed _____

Parent(s)/Substitute(s)	ROLE	AGE	SEX	ETHNICITY
1. _____				
2. _____				
(LAST NAME) (FIRST) (MAIDEN)				

Ethnicity Code
 A -- Asian
 B -- Black
 C -- Caucasian
 D -- Spanish surname
 E -- Native American
 F -- Other (Specify) _____

Children	Relationship		ROLE	BIRTH DATE	SEX	ETHNICITY
	1.	2.				
A.						
B.						
C.						
D.						
E.						
F.						

Other Persons in Household						
G.						
H.						

Other (Alleged perpetrator(s) if different from Parent(s)/Substitute(s) or Persons in Household

I.						
J.						

- | Role Code | Relationship Code |
|----------------------------------|---------------------------------|
| V -- Victim | A -- Natural Child |
| P -- Alleged Perpetrator | B -- Adopted Child |
| N -- Not Involved | C -- Stepchild |
| A -- Alleged Passive Participant | D -- Foster Child |
| | E -- Grandparent |
| | F -- Sibling |
| | G -- Baby Sitter/
Child Care |
| | H -- Other Relative |
| | J -- Institution Staff |
| | K -- Teacher |
| | L -- Unknown |
| | M -- Other |

Marital Status of Parent(s)/Substitutes (Circle one letter)

A -- Legal Marriage	C -- Never Married	E -- Widow/Widower	G -- Marriage Partner
B -- Consensual Union	D -- Divorced/Separated	F -- Marriage partner	Permanently Absent
		Temporarily Absent	H -- Unknown

a) _____

ADDRESS OF FAMILY	CITY	COUNTY	PHONE NUMBER
-------------------	------	--------	--------------

b) _____

ADDRESS OF PERPETRATOR (IF DIFFERENT)	CITY	COUNTY	PHONE NUMBER
---------------------------------------	------	--------	--------------

c) _____

PERSON COMPLETING FORM	OCCUPATION OR AGENCY	ADDRESS	PHONE NUMBER
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Nature of Complaint _____

Source of Initial Report (Circle one letter)

A -- Private Physician	H -- Headstart, Day Care	N -- Victim
B -- Hospital/Clinic Physician	Babysitter, etc.	O -- Relative
C -- Hospital/Clinic Personnel	I -- Public Social Agency	P -- Sibling
D -- Nurse	J -- Private Social Agency	R -- Parent/Substitute
E -- School Nurse	K -- Court	S -- Anonymous
F -- Teacher	L -- Law Enforcement	T -- Friend/Neighbor
G -- Other School Personnel	M -- Coroner/Medical Examiner	U -- Other (Specify) _____

Involved Children (Circle applicable letters for each involved child)

A B C D E F	Brain Damage/Skull Fracture	A B C D E F	Burns, Scalds
A B C D E F	Subdural Hemorrhage	A B C D E F	Cuts, Bruises, Welts
A B C D E F	Bone Fracture (other than skull)	A B C D E F	Sexual Abuse (specify) _____
A B C D E F	Dislocation/Sprains/Twisting/ Shaking	A B C D E F	Congenital Drug Addiction
A B C D E F	Internal Injuries	A B C D E F	Physical Neglect
A B C D E F	Malnutrition	A B C D E F	Emotional Neglect
A B C D E F	Failure to Thrive	A B C D E F	Medical Neglect
A B C D E F	Exposure to Elements	A B C D E F	Educational Neglect
A B C D E F	Locking In/Out	A B C D E F	Abandonment
A B C D E F	Poisoning (Unintentional)	A B C D E F	Lack of Supervision
		A B C D E F	Other (Specify) _____

REVERSE CARBON BEFORE COMPLETING THIS SIDE

Severity of Abuse/Neglect (Circle one letter for each child)

- A B C D E F No Treatment
- A B C D E F Moderate
- A B C D E F Serious/Hospitalized
- A B C D E F Permanent Disability
- A B C D E F Fatal
- A B C D E F Potential Abuse/Neglect

Special Characteristics of Involved Children (Circle all applicable letters)

- A B C D E F Premature Birth
- A B C D E F Diagnosed Mentally Retarded
- A B C D E F Congenital Physical Handicap
- A B C D E F Physically Handicapped
- A B C D E F Chronic illness (e.g. asthma, diabetes, muscular dystrophy, epilepsy, etc.)
- A B C D E F Emotionally Disturbed
- A B C D E F None

Education (Circle one letter for each parent/substitute)
Mother/Substitute - Father/Substitute

- A A Grades 0-3
- B B Grades 4-8
- C C Some High School
- D D High School Graduate
- E E Some College/Vocational Training
- F F College Graduate
- G G Post-College

Occupation (Circle one letter for each parent/substitute)
Mother/Substitute - Father Substitute

- A A Unemployed
- B B Unskilled Labor
- C C Skilled Labor
- D D Business Professional
- E E Agriculture
- F F Technical
- G G Other (Specify) _____

Estimated Yearly Income (Circle one letter)

- A - \$0 - \$ 2,999
- B - 3,000 - 4,999
- C - 5,000 - 6,999
- D - 7,000 - 8,999
- E - 9,000 - 10,999
- F - 11,000 - 12,999
- G - \$13,000 - \$15,999
- H - 16,000 - 19,999
- I - 20,000 - 24,999
- J - 25,000 - 29,999
- K - 30,000 - 39,999
- L - 40,000 Plus

Source of Income Supplement (Circle one letter)

- A - None
- B - AFDC
- C - Other Public Assistance
- D - Retirement/Social Security/Pensions

Factors Present (Check all applicable letters)

- | | |
|--|--|
| <p>Family</p> <ul style="list-style-type: none"> A - Broken Family B - Family Discord C - Insufficient Income/Misuse of Adequate Income D - New Baby in Home/Pregnancy E - Heavy continuous Child Care Responsibility F - Physical Abuse of Spouse/Fighting G - Parental History of Abuse as Child H - Recent Relocation I - Inadequate Housing J - Social Isolation K - Loss of Control during Discipline | <p>Parental Capacity</p> <ul style="list-style-type: none"> L - Lack of Tolerance to Child's Disobedience and Provocation M - Incapacity due to Physical Chronic Illness N - Alcohol Dependence O - Drug Dependence P - Mental Retardation Q - Mental Health Problem R - Lack of Knowledge of Child Development S - Normal Authoritarian Method of Discipline |
|--|--|

Disposition of Involved Children at Completion of Form (Circle all applicable letters)

- A B C D E F Child at Home
- A B C D E F Disposition Pending
- A B C D E F Voluntary Placement
- A B C D E F Court Order Placement
- A B C D E F Consent to Adoption
- A B C D E F Termination of Parental Rights

Treatment Services Provided at Completion of This Form

- A - Family Counseling
- B - Group Counseling
- C - Individual Counseling
- E - Lay Therapy
- E - Marital Counseling
- F - Play Therapy

Special Services Provided at Completion of This Form

- A - Homemaker Services
- B - Day Care Services
- C - Foster Care
- D - Shelter Care
- E - Health Services (including Mental)
- F - Financial Assistance
- G - Employment Assistance

Actions Taken at Completion of This Form

- A - Juvenile Court Petition Filed
- B - Criminal Action Taken
- D - No Action Taken; Awaiting Further Investigation
- E - Other Protective Services (specify) _____

OTHER COMMENTS

COLORADO STATE DEPARTMENT OF SOCIAL SERVICES
CENTRAL REGISTRY OF CHILD PROTECTION
CHILD ABUSE/NEGLECT REPORT
Print with Hard Ball Point Pen or Typewriter

Date Report Received _____ Date Report Completed _____

Children	Relationship			Birthdate	Sex	Ethnicity	Ethnicities 1. Hispanic 2. Other White 3. Black 4. American Indian/ Alaskan Native 5. Asian/Pacific Islander 6. Other 7. Unknown
	1.	2.	Role				

Relationship Code for Children Role Code for Children
A - Biological Child D - Foster Child V - Victim
B - Adopted Child E - Unrelated N - Not Involved
C - Stepchild F - Other Relative

PARENT(S) or PARENT SUBSTITUTES			Social Security #	Role	Birthdate	Sex	Ethnicity	Marital Status
(Last Name)	(First)	(Maiden)						

OTHER PERPETRATOR(S) IF DIFFERENT FROM PARENT(S) OR PARENT SUBSTITUTE(S)			Social Security #	Relationship	Role	Birthdate	Sex	Ethnicity	Marital Status
(Last Name)	(First)	(Maiden)							

Relationship Code (for Other Perpetrator if different from Parent(s) or Parent Substitute(s))
J. Licensed Child Care Center N. Group Home Parent S. Boyfriend/Girlfriend
K. Foster Parent of Victim O. Teacher T. No Relationship
L. Institutional Staff P. Other Relative U. Unknown
M. RCCF Staff R. Neighbor/Friend of Parent

Role Code for Perpetrators
P - Relative Perpetrator T - Third-Party Perpetrator
A - Passive Participant N - Not Involved

Marital Status
1. Legal Marriage 5. Separated
2. Common-Law Marriage 6. Live-in Relationship
3. Unmarried 7. Widow/Widower
4. Divorced 8. Unknown

ADDRESS OF FAMILY: CITY COUNTY ZIP PHONE NUMBER

HOME ADDRESS OF PERPETRATOR CITY COUNTY ZIP PHONE NUMBER

AN ADDRESS OF FACILITY IF PERPETRATOR IS AN EMPLOYEE CITY COUNTY ZIP PHONE NUMBER

INVESTIGATING WORKER COUNTY # COUNTY NAME PHONE NUMBER

- ALL REPORT (Circle one letter)
- Private Physician M - Coroner/Medical Examiner
 - Hospital/Clinic Physician N - Victim
 - Hospital/Clinic Personnel O - Relative
 - Nurse P - Sibling
 - Nurse R - Parent/Substitute
 - Teacher S - Anonymous
 - Other School Personnel T - Friend/Neighbor
 - Headstart, Day Care U - Photo/Film Processor
 - Babysitter, etc. V - Veterinarian
 - Public Social Agency W - Pharmacist
 - Private Social Agency X - Psychologist
 - Court Y - Other
 - Law Enforcement

SEVERITY OF ABUSE/NEGLECT (Sexual Abuse Excluded)
(Circle one number for each involved child)

1	2	3	4	5	6	Mild
1	2	3	4	5	6	Moderate
1	2	3	4	5	6	Serious
1	2	3	4	5	6	Fatal

PARENTAL CAPACITY (Circle all applicable letters)

- K. Lack of Tolerance to Child's Disobedience and Provocation
- L. Incompetency due to Physical/Chronic Illness
- M. Alcohol/Drug Involvement
- N. Diagnosed Mental Retardation
- O. Diagnosed Mental Health Problem
- P. Lack of Knowledge of Child Development
- Q. Loss of Control during Discipline
- R. Parental History of Abuse as Child

SPECIAL CHARACTERISTICS OF INVOLVED CHILDREN
(Circle all applicable numbers)

1	2	3	4	5	6	Premature birth
1	2	3	4	5	6	Diagnosed Physically Disabled
1	2	3	4	5	6	Diagnosed Developmentally Disabled
1	2	3	4	5	6	Chronic Illness, (e.g. asthma, diabetes, epilepsy, etc.)
1	2	3	4	5	6	Diagnosed Emotionally Disturbed

SERVICES PROVIDED (Circle all applicable letters)

- A. Investigation/Crisis Services
- B. Open For Casework Services
- C. Out of Home Placement
- D. Family Refused Services
- E. Referrals Made to Community Resources
- F. Dependency Action Initiated
- G. Criminal Charges Initiated/Pending

TYPE OF ABUSE/NEGLECT CONFIRMED BY INVESTIGATION
applicable numbers for each involved child)

3	4	5	6	Brain Damage/Skull Fracture
3	4	5	6	Subdural Hemorrhage
3	4	5	6	Bone Fracture (other than skull)
3	4	5	6	Dislocation/Sprains/Twisting/Shaking
3	4	5	6	Internal Injuries
3	4	5	6	Malnutrition
3	4	5	6	Failure to Thrive
3	4	5	6	Exposure to Elements
3	4	5	6	Locking In/Out
3	4	5	6	Poisoning
3	4	5	6	Burns, Scalds
3	4	5	6	Cuts, Bruises, Welts
3	4	5	6	Sexual Abuse
3	4	5	6	Congenital Drug Addiction
3	4	5	6	Emotional Maltreatment:
3	4	5	6	Neglect
3	4	5	6	Medical Neglect
3	4	5	6	Educational Neglect
3	4	5	6	Abandonment
3	4	5	6	Lack of Supervision
3	4	5	6	Other

FAMILY SOURCE OF INCOME (Circle one letter)

- A. Employed
- B. Unemployed
- C. AFDC
- D. Other Public Assistance
- E. Retirement/Social Security

FAMILY FACTORS PRESENT (Circle all applicable letters)

- A. Single Parent Household
- B. Family Discord
- C. Insufficient Income/or Misuse of Income
- D. New Baby in Home/Pregnancy
- E. Heavy Continuous Child Care Responsibility
- F. Physical Abuse of Spouse/Fighting
- G. Recent Relocation
- H. Social Isolation
- I. Inadequate Housing
- J. Recent Change in Marital Relationship

CONFIRMED (Circle all applicable letters)

- A. Social Work Evaluation
- B. Police Investigation
- C. Medical Evaluation
- D. Court Finding

HH# _____
CR# _____

OTHER COMMENTS

INSTRUCTION AND COMMENT SECTION ON BACK SIDE

D. Case Disposition

Colorado uses three disposition categories: "confirmed", "ruled out", and "inconclusive findings." Since July 1, 1987, only confirmed cases are entered on the register. In 1985, 65% of Registry reports were confirmed (1986 Annual Report, 3). Some counties, e.g. Denver and Adams, were already following the practice of sending only confirmed reports to the state. Other counties may not have investigated complaints in which the probability of confirmation was low (1986 Annual Report, 5). The standard of proof is "credible evidence" and the confirmation is by social work investigation, police investigation, medical evaluation, or court finding (1986 Annual Report, 3 and CWS59).

E. Records Maintenance

1. Records Retention

Since July 1, 1987 no unconfirmed cases were entered into the registry and therefore there is no need to expunge unconfirmed cases. Substantiated reports are retained ten years after the child's eighteenth birthday and then sealed. In practice, a computer program removes all record information from the database on or soon following the child's twenty-eighth birthday. Once sealed, the director of the registry, pursuant to state DSS rules and upon notice to the subject, may approve release of information "for an appropriate reason" (§ 19-3-313(5)). After the child victim of the report reaches age eighteen, access is permitted only if his offspring or sibling is a suspected victim of abuse or neglect (§ 19-3-314(3)).

2. Security

The registry is located, along with other state DSS functions, in a large office space. No special security measures surround the registry area. At the local level, in suburban Arapahoe county, only social work staff

can take records from their files. Denver metropolitan area supervisors indicated that records security is loosely maintained at the local level. One county agency supervisor stated that staff members sign a confidentiality oath.

As noted earlier, the original form 59's are destroyed after data are entered into the database. Passwords, call backs and other standard security precautions also are employed.

III. DUE PROCESS

A. Notification

Colorado had no notification requirements until 1984 when notification was required by statute. Filing of a confirmed report is the trigger that starts the notification process. The Central Registry notifies confirmed perpetrators that their names have been placed on the register and informs them which county social service department conducted the investigation, the dates of the investigation, who has access to registry information, and what actions must be taken to request expungement (7.501.55) (Figure 6). More specifically, the notice states:

- o by law, access to registry reports is "extremely limited" and not available to the general public;
- o agencies evaluating abuse or neglect are permitted access to learn of prior incidents;
- o specified child care facilities have access to screen applicants and employees;
- o perpetrators have a right to receive a printout of the information about them that the register has on file;
- o perpetrators can request that the registry remove their names, amend the record, or seal the report; and
- o perpetrators are informed of their right to have an attorney at a fair hearing appeal of a registry rejection of a request.

CWS-59B
(Rev. 4/88)

COLORADO STATE DEPARTMENT OF SOCIAL SERVICES
Notice of Report to the Colorado Registry of Child Protection
Date of Notice

We are writing to advise you that the Central Registry of Child Protection has received a report from _____ County Department of Social Services. This report was filed by the county department in regard to an incident of child abuse/neglect which was investigated by _____ County Department of Social services on or about _____. It was confirmed by the County Department that you were identified as the person responsible for the incident.

Colorado law (19-3-307, C.R.S. 1987) mandates the filing of such a report to the Central Registry by the county department. Access to reports contained on the Registry is extremely limited, and is not available to the general public. Those agencies charged with investigating and treating child abuse and neglect are permitted access to the Registry to determine whether there have been any prior confirmed incidents of abuse or neglect. Licensing authorities for day care and foster care homes, as well as directors of day care centers, preschools, residential child care facilities and day camps may also have access to the registry to screen applicants and employees.

You have a right to receive, upon request, a report of the printout which contains all the information in the Central Registry. (19-3-313 (6), C.R.S., 1987).

You also have a right to request that the Director of the Central Registry remove your name, seal, and/or amend the record of the report in the Registry. When such a request is received, the Director of the Central Registry will send for the county files documenting the incident. The Director will base the decision to grant or deny your request upon review of the information contained in the county files.

If you wish to have either a printout of the report and/or a review for removal of your name from the Central Registry, please write to:

Director, Central Registry for Child Protection
Colorado Department of Social Services
1575 Sherman Street, 2nd Floor
Denver, CO 80203-1714

The services of an attorney are not required for you to make such requests. If your request for removal of your name is denied by the Director, or is not acted upon within 30 days after its receipt, you may request a Fair Hearing. This hearing would be held by an Administrative Law Judge from the Department of Administration, which is a separate agency from the Department of Social Services. For the Fair Hearing, you may wish to secure the services of an attorney, or you may choose to represent yourself.

The Director of the Central Registry may prohibit the release of information which would identify the source of the report or individuals who cooperated in the investigation, if disclosure would jeopardize the safety of those persons (§ 19-3-313(6)).

B. Procedures

A perpetrator may request that the Director of the Central Registry amend, seal, or expunge the report for "good cause shown" (§ 19-3-313(5)). (To date, no one has asked to have a record sealed, so procedures for sealing records are untried.) Until July of 1987, subjects could file an expungement request with the registry director "at any time subsequent to the completion of the investigation". In 1987, the legislature amended this broader allowance to read, "...within a reasonable time after a report of confirmed child abuse or neglect is submitted to the central registry" (§ 19-3-313(7)).

The Director of the Central Registry conducts a paper review of the local social services department or law enforcement investigation and either grants or denies the request. Each review requires 45 to 60 minutes. The review may take longer if consultation with an assistant attorney general, county worker, or a therapist is necessary. The Director of the Central Registry states that, at the most, 50 percent of all requests are decided within thirty days, and that 90-95 percent of all requests are decided within sixty days.

If the request to expunge is granted, the perpetrator is notified that no report will be retained in the registry, and that the county DSS has been advised of the expungement and "will remove the report from their files." The actual registry notification to the county DSS, however, states that it must expunge its copy of the CWS59 submitted earlier to the state, but that "no other supporting documents or records are to be destroyed" (Form

letters). Metropolitan area DSS agency supervisors said that, in practice, after receipt of a notice of expungement from the registry, the notice is placed in the file of the case and no other action is taken at the local level.

If request for name removal (the term expungement is not used) is denied or not acted upon within 30 days of receipt of request, the perpetrator may request a "fair hearing" by an administrative law judge from the Department of Administration. Registry notifications to perpetrators do not indicate specifically how and from whom a fair hearing may be requested, nor any timeline for this request.

Although the statutory criterion for confirmation of a report is "credible evidence", the standard of proof on appeal to an administrative law judge is preponderance of evidence based upon whether the record in the registry is inaccurate or is being maintained in a manner inconsistent with statute (§ 19-3-313(4) and (7)).

Administrative law judges, formerly titled hearing officers, are employed by the Department of Administration, not by the state DSS. But particular administrative law judges are assigned to hear a range of appeals relating to state DSS decisions and provisions, including expungement of child abuse or neglect reports. They hear these appeals in the county where the abuse or neglect investigation took place. The burden of proof in all such hearings is with the county DSS. Typically, a county attorney represents the local agency. He or she examines the child protective services worker who conducted the investigation, and police, medical, and nonprofessional witnesses as appropriate. The perpetrator may testify and call other witnesses. An assistant attorney general examines the registry director. These procedures are governed by the Colorado Administrative Procedures Act.

Formal opinions are rendered that include findings of fact, conclusions of law, and the decision. When an expungement request is rejected, the formal opinion provides notice of the right to file an action with the district court within thirty days of the effective date of the decision. The assistant attorney general who participates in these hearings indicates that 80% of the subjects have attorneys representing them.

During fiscal year 1985, 449 requests for expungement were made to the Director of the Central Registry, a 10 percent increase from the previous year (1986 Annual Report, 4). Of these requests, 243 (54%) were denied, 118 (26%) were granted, and 88 (20%) were still pending.

Of the 243 perpetrators whose requests for expungement were denied, 50 (21%) asked for a fair hearing, a 3% increase from the previous year. Of those 50 hearings, half (24 or 48%) upheld the decision of the Registry Director, 20% (10 cases) were reversed, and in 16 the decision was still pending. In addition, seven reports were expunged due to a stipulation prior to hearing. Stipulations to expunge generally are based on the lack of available witnesses, for example a child protective services worker who is no longer with the agency, or when a child is subpoenaed and the agency decides that the hearing process would be too difficult emotionally. Nine requests for hearings were dismissed by the petitioner. Approximately 40 percent of the individuals requesting a fair hearing were employed or interested in employment in an area of licensed child care (1986 Annual Report, 4).

Colorado law does not limit the amount of time that may precede the initiation of an appeal to an administrative law judge. In rejecting a motion to dismiss for failure to prosecute in a timely manner and for failure to appear at an earlier scheduled hearing when there was not good cause shown for

the failure to appear, one administrative law judge found that "...equity and good conscience mandates that he be given an opportunity for a fair hearing on his request for expungement of the child abuse records". A different administrative law judge concluded that although nearly four months had elapsed before the request for a fair hearing, there is proper jurisdiction "because the right to a fair hearing can be exercised at any time" (Agency Decisions, May 23, 1985 and September 3, 1985).

One administrative law judge granted a motion for a summary judgment requested by the county DSS and state DSS as respondents. It was held that the legal authority to grant a summary judgment was present, that the district juvenile court earlier adjudicated child abuse, and that the petitioner had not set forth any material, relevant, or genuine facts showing there is a genuine issue for hearing. Accordingly, the request for expungement was denied "as a matter of law" (Agency Decision, April 18, 1987). A subsequent memorandum from the registry to county DSS agencies described this case decision and encouraged discussions with county attorneys about use of a summary judgment motion as a time and cost saving option in cases where there has been a criminal court conviction or a juvenile court adjudication regarding abuse or neglect.

The Colorado Supreme Court granted certiorari in another case that should be that court's first decision dealing with a registry. In this case, both the registry director and an administrative law judge had denied expungement. A district court judge ordered expungement finding that much of the evidence of child abuse allegedly perpetrated was not credible and there was "overwhelming evidence" that the report was inaccurate. The Colorado Court of Appeals affirmed this judgment, but on other grounds. It ruled that the registry director was authorized to expunge a record "upon good cause

shown". Here, good cause was shown given the limited extent of the alleged injuries, that this was an isolated incident, that the subject's care otherwise had been exemplary, and there were serious repercussions to the subject, who had interest in adopting another child, were expungement not granted (E.C.L. v. Departments).

An assistant attorney general estimates that the time from filing to case hearing by the administrative law judge requires approximately two months and an additional forty-five days or longer for the decision to be prepared and typed.

By law, all appeals of administrative law judge decisions are heard in the Denver District Court. Here, the burden of proof is with the appellant, the party that "lost" the administrative appeal. The judicial review is based on the record made by the administrative law judge together with briefs submitted by the parties. There is judicial discretion whether to accept additional argument, but no additional evidence may be taken. An assistant attorney general, rather than the county attorney, prepares the brief in the district court proceeding and prepared the briefs in the E.C.L. appeals proceedings.

IV. RECORDS USAGE

A. Accessibility and Confidentiality

Law and regulation require confidentiality with reports of child abuse or neglect including the following elements: the name and address of a child, or family, or informant, or any other identifying information. Disclosure is not prohibited when there is a death of a suspected victim of abuse or neglect and the death becomes a matter of public record, or where a formal criminal charge is filed.

Access to registry records and reports is authorized for:

- o a law enforcement agency, district attorney, or county DSS agency investigating a report or treating a child or family which is the subject of the report (each has access to the registry).
- o a physician who "has before him a child whom he reasonably suspects to be abused or neglected".
- o a parent, guardian, legal custodian, or agency having legal responsibility or authorization for the care, treatment, or supervision of a child who is the subject of the report.
- o the child or guardian ad litem for the child.
- o a court upon specified conditions.
- o members of a child protection team.
- o the state DSS, a county DSS, or a child placement agency investigating an applicant for license to operate a child care center or family care home, when written authorization has been provided by the applicant.
- o the state DSS, a county DSS, or a child placement agency when requested in writing by the operator of a day camp, day care center, preschool, or residential child care facility to check the registry history of an applicant for employment (§ 19-3-314).

Accordingly, although all abuse or neglect reports to the registry emanate from local DSS agencies, the registry may disseminate record information directly to any authorized party. The registry provides information in its records to agencies in other states as authorized by DSS regulations.

Any person who willfully permits or encourages the release of information contained in the registry to persons not permitted access to such information commits a class 1 misdemeanor (§ 19-3-313(10)). Release of the name of the reporter is barred. An exception may occur upon court order on a finding that this is necessary for determination of an issue before the court; then the file is to be examined in camera only unless the court finds that

broader disclosure is necessary for resolution of the issue. One Colorado appellate case (Martin v. Weld Co.) held that access to data that would identify an informant shall be provided only upon a finding by a trial court that public disclosure is necessary to the resolution of a pending court case.

B. Uses of Information

1. Internal Management

Colorado uses registry data for planning, management, and allocating resources. For example, average monthly child protection caseloads routinely are calculated and used to assign caseworkers to local agencies.

2. Screening Applicants

A 1986 law authorized directors or operators of day camps, day care centers, preschools, and residential child care facilities to check the registry to determine if an applicant for employment or a current employee has ever been identified as a person responsible for the injury or neglect of a child. Requests may be initiated only by directors or operators of licensed facilities, or of facilities in the process of license application. A fee of \$5.50 is charged for each employee screened. It is a misdemeanor offense to request information concerning an individual who is neither a current employee nor an applicant for employment.

On receipt of a request, the registry is allowed to provide only the date of the incident, the type of injury to the child, and the county department that conducted the investigation. The registry receives approximately 35 requests per month for this service. The registry director would like to have the legislature consider broadening disclosure to apply to parties applying for adoption, volunteers within social services and organizations such as Big Brothers or Big Sisters, employees and applicants for positions in programs administered by the Division of Youth Services and

employees in regional development centers administered by the Department of Institutions, as well as for persons employed by the state DSS and county DSS agencies.

A registry memorandum encourages licensed facilities using the registry for applicant screening to obtain a consent for release of information signed by the employee or applicant and to share information only with the employee or applicant under penalty of law.

3. Research

The Annual Report, entitled Reporting of Child Abuse to Colorado Central Registry, contains statistical analyses of confirmed cases of child abuse over time. Annual reports also make an effort to compare Colorado's data with nationwide statistics.

Students and professors from the University of Colorado have done some research using registry data that does not identify individuals. It is not possible to release identifying information without a court order.

4. Diagnosis

The time necessary to enter cases on the central registry makes it impractical to use those data for diagnostic purposes or to prevent "hospital shopping." Indeed, counties have no access to registry data on nights or weekends.

5. Public Education

In addition to the Annual Report, other literature is distributed to increase public awareness of child abuse and neglect. The increase in public interest has resulted in an expanded caseload which has placed a burden upon caseworkers, especially those in rural areas. Registry personnel speak to various groups to increase public awareness of the problem.

V. FUTURE DIRECTIONS

The increasing workloads in counties, especially in rural areas, has precipitated interest in maintaining quality of services by providing specialized training (Child Protection Initiatives, 1). The Colorado Department of Social Services currently conducts training in entry-level child protection, and is planning curricula on such issues as sexual abuse, adolescents as both victims and perpetrators of sexual abuse, establishing credible evidence and interviewing young children. In FY 1987-1988, Colorado proposes to add 13.4 FTE staff so that each worker's caseload, which currently averages 24.7 caseload per worker, can be reduced.

A different approach to institutional abuse and neglect currently is being studied and tested in some counties.

A four-month experiment to study the feasibility of permitting counties to directly access Central Registry data is scheduled to begin in March of 1988. The experiment will be conducted initially in two metropolitan counties, and may be extended to eight others, depending upon the outcome of the study.

Footnotes

1. In 1987, the Colorado legislature added to the cultural child-rearing provision: "...or to acts reasonably necessary to subdue a child being taken into custody pursuant to [the juvenile arrest statute] which are performed by a peace officer, level I, as defined in [statutory reference] acting in the good faith performance of his duties."
(C.R.S. § 19-10-103 (1)(B))

CHAPTER 2

CONNECTICUT CENTRAL REGISTRY

I. OVERVIEW

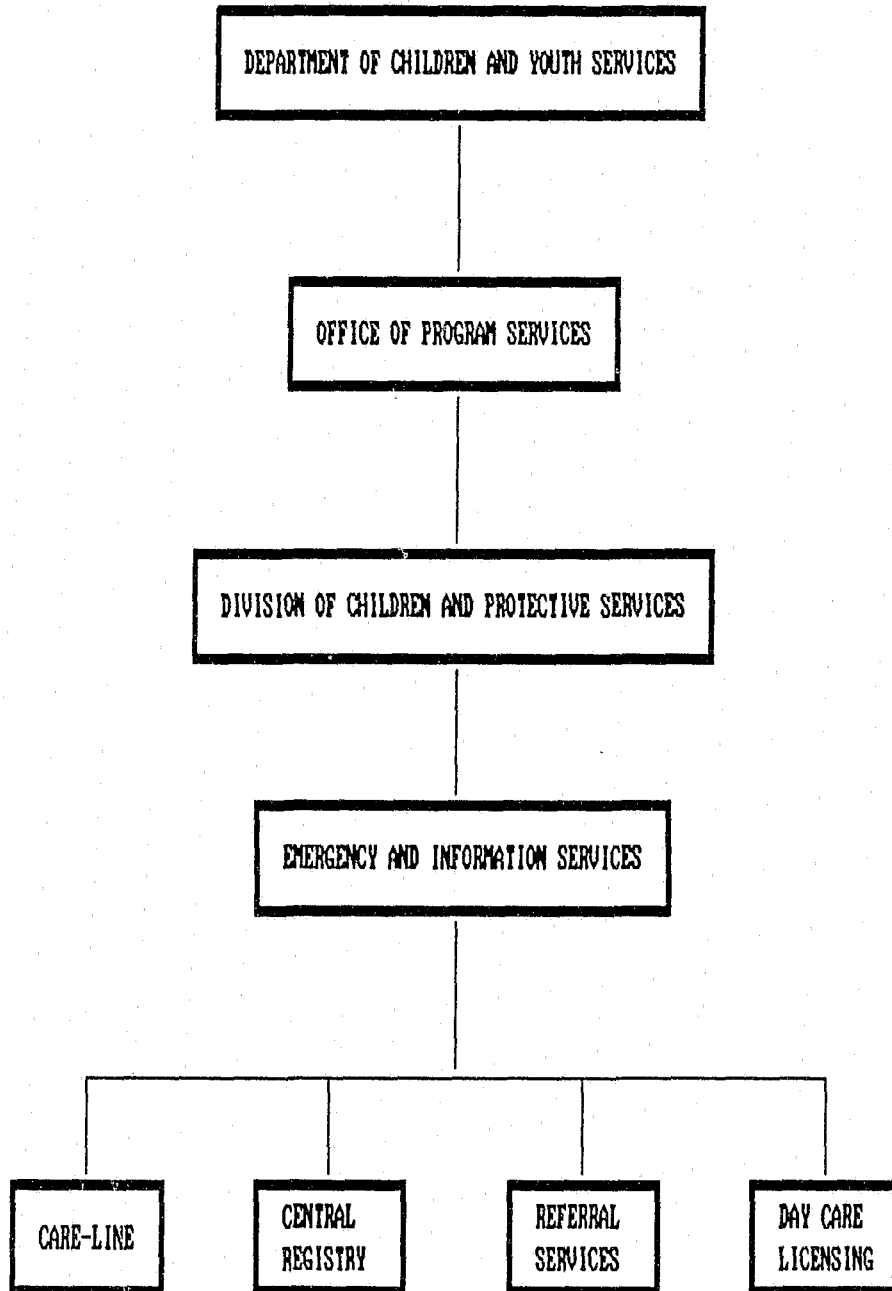
The Connecticut General Assembly requires the Commissioner of Children and Youth Services to maintain a registry of child abuse and neglect reports (Connecticut General Statutes 17-38a (g) hereinafter referred to in the text by section number). Child abuse is defined as "any child under the age of eighteen who has had physical injury or injuries inflicted upon him by a person responsible for his health, welfare or care or by a person given access to the child by the responsible person other than by accidental means or has injuries which are at variance with the history given of them, or is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual abuse, sexual exploitation, deprivation necessities, emotional maltreatment or cruel punishment or has been neglected" (17- 38a(b) and 17-53). Child neglect is defined as a "child under 18 who has been abandoned, or is being denied proper care and attention, physically, emotionally or morally or is being permitted to live under conditions, circumstances or associations injurious to his well being or has been abused" (17-53). The primary purpose of Connecticut's Registry is child protection; minimal information is maintained on suspected perpetrators. Connecticut was visited primarily to observe its on-line data system and its rapid expungement process.

A. Organization and Personnel

The Central Registry is operated by the Emergency and Information Services Unit which is part of the Department of Children and Youth Services or DCYS (see Figure 1). Investigations of child abuse reports are conducted

FIGURE 1

ORGANIZATION CHART



by five regional offices. (At the time of the site visit, there were plans to increase the number of regions to six.) The Registry's operation budget is not listed as a separate line item.

Prior to July 1987, the Central Registry employed six full-time equivalent (FTE) professionals: one social worker and one supervisor on the first and second shifts, one supervisor for the third shift, and one "floating" supervisor. The Registry planned to double the number of employees in July to 10 FTE professionals and 2 FTE administrative staff. The plan called for eliminating all part-time staff because full-time staff were considered more committed and easier to manage. Staff turnover is low in Connecticut.

B. Facilities

1. Hotline

The Registry operates a state-wide hotline, called Care-Line, 24 hours a day. In 1986, 4,991 or 20% of the 25,664 calls were accepted by Care-Line as child abuse and neglect referrals. All Care-Line caseworkers have at least a B.A. degree and three years of experience in the field. They are encouraged to probe for information and screen calls for whether an incident or an injury should be considered a case of abuse or neglect. In addition to accepting reports, Care-Line staff also act as a resource to certain professionals who are involved in possible child abuse cases. There were 2,804 of these calls reported in 1986.

Care-Line also maintains a Resource System, a computerized list of available resources in Connecticut for parents, children, and families. The Resource System allows a DCYS staff member to locate several possible resources available for addressing a caller's particular needs. If a particular resource is not available within the caller's area, the DCYS

professional can prompt the system to find the closest town in which the resource is available. Resources are listed by both types of agencies and towns.

Care-Line maintains a computerized database of every call it receives. Staff manually record each call on a Care-Line phone-log form (Figure 2) after which the information is entered into the Care-Line database. Care-Line has three toll-free telephone lines and a separate toll-free line for the hearing impaired. Approximately 68 calls a month receive a busy signal.

3. Information Systems

DCYS information is stored with other state information on two IBM mainframe computers (3081 K and 3081 D) located in Hartford. Approximately 24 of the 56 terminals located in the regions can access DCYS information. Print-outs of active cases are available during scheduled computer maintenance on Friday evenings and Sunday, and tape back-ups are available during emergencies.

DCYS established a committee consisting of representatives from the Division of Data Processing, Research and Evaluation, Treatment Standards and Quality Assurance, Children and Protective Services, Fiscal Services, and Institutions and Facilities to develop the Department's information system. As a result the Case Management System (CMS) was written from the perspective of the user. It is an event-tracking system: the computer screens reflect the major activities of a case as it moves through DCYS services. The CMS database is used as an on-line central registry by caseworkers at the local level. However, in this context, the central registry is just one part of a comprehensive child management system. The CMS database is not restricted to substantiated cases of abuse and neglect only; it includes information on

State of Connecticut - Dept. of Children & Youth Services

PAGE #

CARE - LINE LOG

DATE

DAY CODE *

TIME/STAFF	CALLER	CLIENT NAME	CLIENT ADDRESS	REASONS FOR SERVICE	DISPOSITIONS
Time <input type="text"/> KA- <input type="text"/>	<input type="text"/>	Last _____ First _____ [] UNKNOWN	Street _____ Town _____ [] UNKNOWN TTY []	1 <input type="text"/> 2 <input type="text"/> 3 <input type="text"/>	1 <input type="text"/> 2 <input type="text"/> 3 <input type="text"/>

Time <input type="text"/> KA- <input type="text"/>	<input type="text"/>	Last _____ First _____ [] UNKNOWN	Street _____ Town _____ [] UNKNOWN TTY []	1 <input type="text"/> 2 <input type="text"/> 3 <input type="text"/>	1 <input type="text"/> 2 <input type="text"/> 3 <input type="text"/>
--	----------------------	--	---	--	--

Time <input type="text"/> KA- <input type="text"/>	<input type="text"/>	Last _____ First _____ [] UNKNOWN	Street _____ Town _____ [] UNKNOWN TTY []	1 <input type="text"/> 2 <input type="text"/> 3 <input type="text"/>	1 <input type="text"/> 2 <input type="text"/> 3 <input type="text"/>
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Time <input type="text"/> KA- <input type="text"/>	<input type="text"/>	Last _____ First _____ [] UNKNOWN	Street _____ Town _____ [] UNKNOWN TTY []	1 <input type="text"/> 2 <input type="text"/> 3 <input type="text"/>	1 <input type="text"/> 2 <input type="text"/> 3 <input type="text"/>
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NOTE: NEW DAY MUST BEGIN ON A NEW SHEET...DO NOT MIX DAYS ON ONE SHEET
(CYS-545 Rev. 1/83)

* DAY CODES: R = Regular Weekday
W = Weekend H = Holiday

referrals, DCYS treatment plans, placements, court dispositions, etc. Both family and individual (for children not living at home) cases are included in the database. The database also is accessible to caseworkers at the state level (though data entry occurs only at the local level). For example, Care-Line accesses the CMS database to provide medical permission for treatment on a 24 hour basis for children in the care of DCYS.

Strictly speaking, though, the central register is a separate victim file created from certain CMS data elements (case number, case name, investigation completion date, referral date, investigation validation, referral child number, confirmed abuses and neglects, worker number, date of birth, sex, and ethnicity). This file contains only substantiated reports on each child; no perpetrator information is included. Great care is taken to ensure the accuracy of the victim file database. Cases with missing information on any of the file's data elements are not entered into the database until the regional office supplies the missing information. Because of this restriction, the victim file contains fewer substantiated cases than the CMS database. For this reason, caseworkers primarily rely on the CMS database for checking prior reports of abuse and neglect. Only the Emergency and Information Services Unit (Care-Line) and the Central Office through Data Processing have direct access to the victim file. Others may access the information by calling Care-Line.

This is the third major automated information system to be installed in Connecticut. The two prior systems were developed by outside contractors and, as a result, were cumbersome and did not meet users' needs. One of the advantages of CMS is its programming flexibility. This new system accommodates changes in definitions, laws, practices, etc. easily. It also is less costly than a proprietary system. Data Processing primarily uses IBM's

Display Management System (DMS) and Customer Information Control System (CICS) software packages for programming CMS. The expungement routine for the Central Registry is written with Easytrieve. There are eight programmers who work on DCYS files, but only one programmer is familiar with DMS and Care-Line's screens. Data Processing and Care-Line staff work together when programming changes and/or additions that are needed.

Both Data Processing and Research and Evaluation produce reports from CMS data. In practice, the distinction between their roles regarding reports often is blurred. Data Processing primarily produces ad hoc reports upon request. Reports are generated directly from the CMS database and the victim file. These reports often consist of lists of specified cases as opposed to statistical analyses. Research and Evaluation produces a standard set of statistical reports primarily on a monthly basis. These reports are designed to give feedback to workers and managers on a variety of case variables (e.g., kinds of referrals, caseload statistics, cases with treatment plans due, etc.). The reports are produced from an historical file consisting of certain case variables downloaded from the CMS system. The historical file does not contain any identifying information. The advantage of the historical file is that it contains information on all cases, including those that were expunged; a disadvantage is that its data are not as accurate as data stored in the victim file. The historical file also may be inaccurate with regard to the number of expunged cases. The historical file is updated monthly, but some cases are processed so quickly that they are opened, closed, and expunged within a two week period.

II. CASE PROCESSING

A. General Description

A report of suspected abuse or neglect may be made orally or in writing to Care-Line or to one of the regional offices (Figure 3). If a report initially is made to Care-Line, the staff member records the information on a Referral Form (Figure 4) and checks the CMS database for prior reports. The Referral Form then is telecopied to the appropriate local office.

When a local office receives a referral from Care-Line or the public, it first decides whether to investigate the report. A DCYS caseworker completes a Case Establishment-Referral Form (Figure 5) and assigns an identification number for all cases that are investigated. The CMS database also is checked for prior reports if that has not been done previously. All referrals are entered into the CMS database at the local level.

The local office conducts a separate investigation for each child in a family that is referred. Figure 6 is a copy of the investigation form. It indicates whether the caseworker was able to confirm the abuse and/or neglect report. If the report is not confirmed and the child is not at risk, the case is closed and expungement is requested (unless the case is active for another reason). If the report is confirmed, the case is transferred to another DCYS caseworker who will develop a treatment plan for the family.

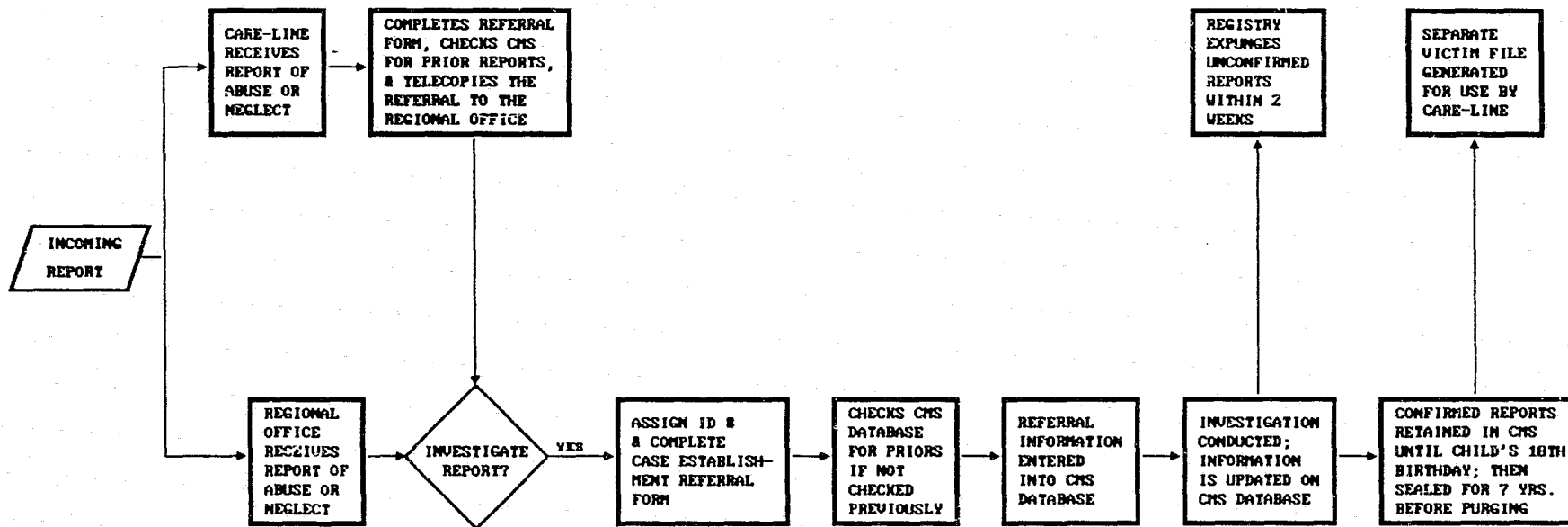
B. Incoming Reports

In FY 1985-1986, there were 11,182 cases of abuse or neglect reported involving 17,051 children. Care-Line sent 4,991 reports of abuse and neglect to local offices in 1986. Approximately, 94% of the cases referred by Care-Line are accepted by the local offices.

Mandated reporters are required to complete a "Report of Suspected Abuse/Neglect" (Figure 7). These written reports are supposed to be completed

FIGURE 3

CONNECTICUT ABUSE REPORT CASEFLOW



CYS-379
3/82

STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND YOUTH SERVICES
CASE ESTABLISHMENT - REFERRAL FORM

FIGURE 5
NEW _____
UPDATE _____

CASE NUMBER _____ CASE NAME _____
LAST FIRST

CASE AKA NAMES _____

INTERPRETER REQUESTED _____ (Y/N) CASE OPEN DATE: _____ / _____ / _____
MO DA YR

CASE STATUS _____ (N/R) FAMILY CONSTELLATION

N=NEW CASE 1 ONE PARENT 3 STEP-PARENT
R=REOPENED WITHIN 12 MONTHS OF CLOSING 2 TWO PARENT 4 RELATIVE/GUARDIAN

ADDRESS: STREET _____ TOWN _____

STATE _____ ZIPCODE _____ TOWN CODE _____ PHONE #: _____
(INFORMATIONAL)

REFERRAL SECTION

REFERRAL DATE: _____ / _____ / _____ REASON FOR SERVICE _____
MO DA YR (LIST)

REFERRAL METHOD _____ REFERRAL SOURCE _____
(LIST) (LIST)

REFERRER AFFILIATION _____

REFERRER LAST NAME _____ FIRST NAME _____

STREET _____ TOWN _____

STATE _____ ZIP CODE _____ TOWN CODE _____ PHONE _____
AREA CODE NUMBER

DOES REFERRER WISH TO REMAIN ANONYMOUS? _____ (Y/N)

NUMBER OF CHILDREN REFERRED: FEMALE _____ MALE _____

ALLEGED ABUSES OR NEGLECTS (LIST) _____

SUSPECTED PERPETRATOR INFORMATION:

RELATIONSHIP (LIST) _____ ALLEGED MISUSE OF ALCOHOL _____ (Y/N)

ALLEGED MISUSE OF DRUGS _____ (Y/N) ACCEPTED FOR ASSESSMENT _____ (Y/N)

WILL DCYS NOTIFY THE POLICE _____ (Y/N) IS A CYS-136 FORM REQUIRED? _____ (Y/N)

ASSIGNED WORKER _____ WORKER TYPE (LIST) _____ DATE FORM FINISHED: _____

SUPERVISOR'S SIGNATURE _____
MO DA YR

REGION/LOCATION: _____

CYS-381
REV. 10/86

STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND YOUTH SERVICES
INVESTIGATION FORM

FIGURE 6
DLO 10/11/85
DATE FORM
ENTERED

CASE NUMBER: _____ CASE NAME: _____
LAST FIRST

REFERRAL DATE: ___/___/___ INVESTIGATION COMPLETION DATE: ___/___/___
MO DA YR MO DA YR

INVESTIGATION VALIDATION:

- 01 ___ ABUSE CONFIRMED
- 04 ___ NEGLECT CONFIRMED
- 07 ___ AT RISK CONFIRMED
- 10 ___ ABUSE-NOT CONFIRMED
- 20 ___ NEGLECT-NOT CONFIRMED
- 30 ___ AT RISK-NOT CONFIRMED

IS CASE CURRENTLY IN TREATMENT ___ (Y/N)
 IF NO, WILL THIS CASE BE TRANSFERRED ___ (Y/N)
 WILL THIS CASE BE CLOSED AT INTAKE ___ (Y/N)

POLICE NOTIFICATION:

- 1 ___ DCYS NOTIFIED POLICE
- 2 ___ POLICE NOTIFIED DCYS
- ___ POLICE NOT INVOLVED

CONFIRMED ABUSES/NEGLECTS:

- 01 EXTERNAL INJURIES
- 02 INTERNAL INJURIES
- 06 BURNS
- 08 POISONING
- 09 SEXUAL ABUSE/RAPE
- 10 INCEST
- 11 VENEREAL DISEASE (CHILD UNDER 13)
- 12 FAILURE TO THRIVE
- 14 PHYSICAL NEGLECT
- 15 EDUCATIONAL NEGLECT
- 16 EMOTIONAL NEGLECT
- 17 LEFT ALONE UNSUPERVISED
- 18 ABANDONMENT
- 20 DEATH OF CHILD

NOTIFICATION DATE ___/___/___
MO DA YR

REFERRED CHILD NUMBER & NAME:

CONFIRMED ABUSES/NEGLECTS

REFERRED CHILD NUMBER & NAME:	CONFIRMED ABUSES/NEGLECTS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FORM FINISHED: ___/___/___
MO DA YR

WORKER NUMBER: _____

SUPERVISOR'S SIGNATURE _____

REPORT OF SUSPECTED CHILD ABUSE/NEGLECT

CYS - 138 (REV. 5/88)

FIGURE 7

STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND YOUTH SERVICES

Division of Children and Protective Services
170 SIGOURNEY ST., HARTFORD, CONNECTICUT 06103



On the reverse side of yellow copy for summary of Connecticut law concerning the protection of children. In cases of suspected child abuse, an ORAL REPORT SHOULD BE MADE IMMEDIATELY TO PROTECTIVE SERVICES in the Department of Children and Youth Services Regional Office having authority over the area in which the child resides. (See list of Regional Offices below). This written report should be prepared WITHIN 72 HOURS and submitted to the same agency.

REPORTER: Keep YELLOW copy. Send the WHITE COPY to PROTECTIVE SERVICES of the Department of Children and Youth Services Regional Office.

REGIONAL OFFICE: Enter name of agency and social worker to whom case is assigned on the WHITE copy for your records.

Please print or type.

CHILD'S NAME		CHILD'S ADDRESS		AGE OR BIRTHDATE
Parents or other person responsible for child's care:	NAME	ADDRESS		
WHERE IS THE CHILD AT PRESENT?				DATE CHILD EXAMINED
ORAL REPORT WAS MADE TO		DATE OF ORAL REPORT	DATE OF SUSPECTED CHILD ABUSE (if known)	
Suspected perpetrator, if known:	NAME	ADDRESS		

NATURE, EXTENT AND EXPLANATION OF THE SUSPECTED ABUSE

LIST NAMES AND AGES OF SIBLINGS IF SUSPECTED ABUSE

REPORTER'S NAME AND AGENCY	ADDRESS	TELEPHONE NO.
REPORTER'S SIGNATURE	POSITION	DATE

DCYS USE ONLY	CITY	STREET ADDRESS	PHONE NO.	CITY	STREET ADDRESS	PHONE NO.
	BRIDGEPORT	115 Main St	8604 579 6150	HAMDEN	2105 State St	851 279 1330
	DANBURY	12 West St	36810 797 4040	NORWICH	101 Main Street	860 286 1111
	HARTFORD	49 S. Main St	6105 566 4184	ROCKVILLE	1 Court Street	800 372 1111
	MERIDEN	111 S. Main St	6450 339 5185	STAMFORD	142 Deane St	3645 248 3305
	MIDDLETOWN	111 Main St	36457 344 2121	CORRINGTON	152 Main St	870 482 5331
	NEW BRITAIN	49 Main St	6051 927 1131	WATERBURY	414 Meadow St	877 152 1111

SUMMARY OF LEGAL * REQUIREMENTS CONCERNING CHILD ABUSE-NEGLECT

Public Policy of State of Connecticut

To protect children whose health and welfare may be adversely affected through injury and neglect, to strengthen the family and to make the home safe for children by enhancing the parental capacity for good child care; to provide a temporary or permanent nurturing and safe environment for children when necessary, and for these purposes to require the reporting of suspected child abuse, investigation of such reports by a social agency, and provision of services where needed, to such child and family. (17-38a)

Who is MANDATED To Report Child Abuse-Neglect?

Physicians	Psychologists	Osteopaths
Surgeons	School Teachers	Optometrists
Hospital Interns	School Principals	Chiropractors
Hospital Residents	School Guidance Counselors	Podiatrist
Registered Nurses	Social Workers	Mental Health Professionals
Licensed Practical Nurses	Police Officers	Day Care Employees
Medical Examiner	Clergyman	[17-38a(b)]
Dentists		

Do Those Mandated to Report Incur Liability?

No. Any person, institution, or agency reporting in good faith is immune from any liability, civil or criminal. [17-38a(h)]

Is There a Penalty for Not Reporting?

Yes. A person required to report who fails to do so shall be fined not more than \$500. [17-38a(b)]

What is the Reporting Procedure?

1. An oral report must be made immediately to the Commissioner of DCYS or his representatives or to the local police or state police. [17-38a(c)]
2. A written report must follow within 72 hours. It can be submitted to a DCYS regional office (addresses on front page) or directly to the Commissioner at the Central Office. [17-38a(c)]
3. If a person is making the report as a member of the staff of a hospital, school, social agent or other institution, the reporter must also notify the head of the institution or his designee that such a report has been made. [17-38a(b)]
4. All information as noted on the front of this form, if known by the reporter, must be reported. [17-38a(c)]
5. Agencies or institutions receiving reports must transfer such information to the Commissioner of DCYS or his agent within 24 hours. [17-38a(e)]

What Must Be Reported?

1. **Child Abuse:** defined as any child under the age of eighteen who has had physical injury or injuries inflicted upon him by a person responsible for his health, welfare or care or by a person given access to the child by the responsible person other than by accidental means or has injuries which are at variance with the history given of them, or is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual abuse, sexual exploitation, deprivation of necessities, emotional maltreatment or cruel punishment or has been neglected. [17-38a(b) and 17-53]
2. **Child Neglect:** defined as child under 18 who has been abandoned, or is being denied proper care and attention, physically, emotionally or morally or is being permitted to live under conditions, circumstances or associations injurious to his well being or has been abused. [17-53]

Exception: The treatment of any child by an accredited Christian Science practitioner shall not of itself constitute neglect or maltreatment. [17-53].

3. **Child at Risk:** reasonable cause to believe or suspect a child is in danger of being abused as opposed to belief that the abuse has actually occurred. [17-38(b)].
4. **Child Under 13 with VD:** a physician or facility must report to the Commissioner of DCYS on the consultation, examination and treatment for venereal disease of any child not more than twelve years old [19a-216].

Do Private Citizens Have a Responsibility for Reporting?

Yes. A separate section of the law indicates that any person in addition to those specifically mandated, shall give an oral or written report to DCYS when there is reasonable cause to suspect child abuse-neglect. Such a person making the report in good faith is also immune from any liability, civil or criminal. There is however no penalty for not reporting. (17-38c)

What is the Authority and Responsibility of the Department of Children and Youth Services? (DCYS)

1. All children's protective services are the responsibility of DCYS.
2. Upon the receipt of a child abuse-neglect report, DCYS shall investigate immediately.
3. If the investigation produces evidence of child abuse-neglect, DCYS shall take such measures as it deems necessary to protect the child, and any other children similarly situated, including, but not limited to, the removal of the child or children from his home with the consent of the parents or guardian or by order of the Superior Court, Juvenile Matters.
4. If DCYS has probable cause to believe the child is suffering from serious physical illness or serious physical injury or is in immediate physical danger from his surroundings and that immediate removal is necessary to ensure the child's safety, the Commissioner of DCYS or his designee may authorize any department employee or any law enforcement officer to remove the child without the consent of the parent or guardian. (Contact for authorization can be made through Care-Line, telephone 1-800-842-2288.) Such removal and temporary custody cannot exceed 96 hours during which time the Commissioner must either file a petition with the Superior Court, Juvenile Matters or return the child to his parents.
5. If the child is returned to the parents, they shall be aided to give proper care under the supervision of the Commissioner until the Commissioner finds that a safe environment has been provided. [17-38a(e)]

What Means are Available for Removing a child from his Home?

1. 96 hour hold by the Commissioner of DCYS (see #4 above).
2. 96 hour custody by a hospital — Any physician examining a child with respect to suspected abuse may retain the child for 96 hours under the custody of a hospital or without the consent of the parents or guardian pending study of the family at home by the welfare agency concerned or the filing of a petition to the Superior Court, Juvenile Matters. The costs of the hospital stay will be paid by DCYS if the parents or guardian are unable to do so [17-38a(d)]
3. Superior Court Seven Day Custody Order — Whenever a person is arrested and charged with any of the following offenses (1) cruelty to persons (53-20), 2) risk of injury (53-21) 3) assault and related offenses (Chapter 952, Part V), 4) sex offenses (Chapter 952, Part VI), or 5) kidnapping or related offenses (Chapter 952, Part VII) and the victim was a minor residing with the defendant, the Superior Court may issue an order to the Commissioner of DCYS to assume immediate custody of such child and, if the circumstances so require, any other children residing with the defendant for a period of seven days giving DCYS the necessary time to petition the Superior Court, Juvenile Matters custody. [17-38e]
4. Superior Court, Juvenile Matters may place in some suitable agency or person the child's temporary care and custody pending a hearing of a petition for removal. The hearing must be held within 10 days of the order for temporary care and custody [17-62 sub sec b]. In Superior Court, Juvenile Matters proceedings evidence that the child has been abused or has sustained non-accidental injury shall constitute prima facie evidence that shall be sufficient to support adjudication that the child is uncared for or neglected. [17-38a(f)]

What is the Child Abuse Central Registry?

DCYS is required to maintain a registry and permits its use on a twenty-four hour basis to prevent or discover abuse of children. Required confidentiality is ensured. The registry may be reached by calling 344-2599 or CARE-LINE: 1-800-842-2288. [17-38g]

*Specific citations from the Conn. General Statutes are noted in brackets.

within 72 hours of an oral report, but sometimes mandated reporters consider their obligation met if the telephone call is made. Forty-three percent of the calls received at Care-Line are from mandated reporters. Anonymous reports are accepted, but staff do attempt to discern the reporter's relationship to the child. Connecticut staff believe that their policy of providing information on case disposition to identified reporters encourages reporters to give their names.

The regional office assigns an identification number to each case it opens with a Case Establishment-Referral Form. The identification number aids in understanding birth relationships among family members and allows patterns of abuse to be traced across generations. Special identification numbers are assigned to reports of institutional abuse, but these are not counted as cases. Agencies or institutions receiving reports of child abuse are required to transfer the information to the central registry within 24 hours.

C. Report Information

Data elements required by statute are: child's name, address and date of birth; sibling(s) and parents names if known; date of the incident; and reporter's name, if known (§ 17-38a-8). Supplemental elements included in the case management system are: family type, aliases, referral source, perpetrator's relationship with the child, drug or alcohol abuse, reporter's relationship with the child, child's ethnicity and sex, financial assistance being received, school status, and handicap status.

Because DCYS provides many services to children, a subject of an abuse or neglect report may have several entries in the case management system. Connecticut retains little information on perpetrators, unless the parents are perpetrators. All information is retained either in a family file or an individual file; there is no perpetrator file.

D. Case Disposition

The agency must "promptly" investigate any report of suspected child abuse or neglect (§ 17-38 (b)). Uninvestigated reports must be clearly designated as such (§ 17-38a-4(a)). Records are changed and updated on-line at the local level as needed. No information is kept on the number of changes made on the reports.

Disposition categories include: abuse, neglect, and at risk "confirmed" or "not confirmed." Only confirmed cases are maintained in the register. Families must grant access to children in cases of confirmed abuse but can refuse services if the disposition is confirmed at risk. Family files are closed when the family is no longer receiving agency services. Individual files are closed when the child returns home, reaches majority, or DCYF is no longer involved. If the case is closed because the complaint is invalid, an expungement request is made by the caseworker. Figure 8 is an example of a closing form.

The substantiation rate for reports made to local offices is unknown. Of the 94% of cases accepted by the regions from Care-Line, 71% are substantiated, yielding a 67% substantiation rate for cases initially reported to Care-Line ($94\% \times 71\% = 67\%$).

E. Records Maintenance

1. Records Retention

Reports that are "unconfirmed" or "at risk unconfirmed" are automatically expunged from the central registry within two weeks, unless someone intervenes. (Reports still are maintained at the local level, however.) A computer program first scans all investigation forms and references to all cases that are not substantiated, then reviews disposition codes to see that the cases are properly closed, and finally records cases

3/82

STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND YOUTH SERVICES
CLOSING FORM

NEW _____
UPDATE _____

FIGURE 8

CASE NUMBER _____

NAME _____
LAST FIRST

CLOSING DATE: ____/____/____
MO DA YR

REASON FOR CLOSING:

- | | |
|--|--|
| 01 ___ INSUFFICIENT GROUNDS TO PROCEED | 10 ___ INELIGIBLE FOR DCYS SERVICES |
| 02 ___ COMPLAINT NOT VALID | 11 ___ SERVICES REFUSED |
| 03 ___ CHILD RETURNED HOME | 12 ___ CLOSING NOT ACCORDING TO PLAN |
| 04 ___ CASE GOAL ACHIEVED | 13 ___ CHILD RAN AWAY/MISSING |
| 05 ___ CHILD REACHED MAJORITY | 14 ___ CHILD DIED |
| 06 ___ FAMILY WHEREABOUTS UNKNOWN | 15 ___ PROBLEM RESOLVED WITHOUT
DCYS INTERVENTION |
| 07 ___ COMMITMENT REVOKED/EXPIRED | 16 ___ WITHDRAWN APPLICATION |
| 08 ___ CHILD ADOPTED | 17 ___ UNWILLING TO REMAIN
IN PLACEMENT |
| ___ SERVICES TO BE PROVIDED
BY ANOTHER AGENCY | 18 ___ INCARCERATION/DETENTION |

IS EXPUNGEMENT REQUIRED _____ (Y/N)?

NOTE: REASON FOR CLOSURE MUST BE 02 OR 08.

DATE FORM FINISHED: ____/____/____
MO DA YR

WORKER WHO COMPLETED FORM: _____
NUMBER NAME

SUPERVISOR'S SIGNATURE _____

where workers have requested expungement. A hard copy of the resulting list of cases comes to the Emergency Services Unit where an expungement officer reviews cases to be expunged either fully or partially (e.g. invalid investigation or data entry errors). The expungement officer enters the case numbers in a separate file of cases to be expunged. During the evening hours, cases in this file are compared with entries in the main data file and all case material associated with these cases is deleted. Address labels for each name are printed from the expungment file and notification of the expungement is sent to each subject (Figure 9). To date, no petitions to retain information have been received by the Commissioner. Occasionally, requests to retain the information in the register are received, especially in custody disputes, but information cannot be retained legally.

Reports about children who are residents of another state are expunged if two years have elapsed since the information was entered and there have been no subsequent reports. (Information will be forwarded to a registry in the child's new state of residence, if known, before the expungement takes place.) If a family moves out of state before the investigation is completed, information in the report will be maintained for one year and then expunged unless a substantiated report is received from the state to which the family moved. If a family moves out of state after the investigation is completed and the report of abuse or neglect is confirmed, the information will be kept in the registry until the child reaches age 18. A yearly audit is conducted to determine which subjects of reports have reached age 18 or are known to have moved from the state. When a child turns 18, all information in the register is sealed, retained for seven years, then purged completely. After the records are sealed, they are only available if inquiries are made about siblings or offspring of the subject of the report (§ 17-38a-4).



STATE OF CONNECTICUT

DEPARTMENT OF CHILDREN AND YOUTH SERVICES



CENTRAL REGISTRY

P.O. Box 882, Middletown, CT 06457

NOTIFICATION OF REMOVAL OF INFORMATION FROM

THE CASE MANAGEMENT SYSTEM AND THE CHILD ABUSE REGISTRY

Dear Sir/Madam:

In accordance with the provisions of Section 17-38a(g) and Section 17-47a of the Connecticut General Statutes, the Department is required to maintain confidential records of persons receiving such services as defined but not limited to Child Abuse or Neglect, Adoption, Non-Committed Treatment Services, Delinquency, Mental Health, or other related services to families and/or children.

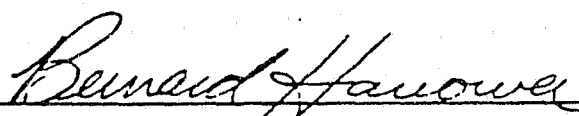
The Department wishes to inform you of the removal of any information regarding you and your child/children from the Case Management (Computerized Data Processing) System and from the Central Registry, if appropriate.

If you have any questions concerning this matter, please write to the Director of the Central Registry, P.O. Box 882, Middletown, CT 06457, or call toll-free 1-800-842-7352.

Sincerely,



Director, Central Registry



Director, Data Processing

Telephone:

170 Sigourney Street • Hartford, Connecticut 06105

An Equal Opportunity Employer

Expungements also take place when ordered by the court. In these cases, the file is purged from the computer and, if it is on microfilm, its index is erased. Most court-ordered expungements are suggested by military recruiters.

2. Security

Connecticut protects records against unauthorized access by passwords and other computer security devices. Access to registry data is restricted to three terminals in the Emergency and Information Unit (which houses the central registry) and the Central Office (through data processing). Employees are classified as "confidential" and "non-confidential" and access is restricted accordingly. Regional offices cannot access registry data directly. Codes which permit programming are changed monthly. Paper records are microfilmed and the originals shredded. Only authorized personnel may view the microfilm.

III. DUE PROCESS

A. Notification

Connecticut does not notify subjects of a report that their names are being entered onto a central register, but does notify subjects when their names have been expunged. Subjects of a report sometimes learn that their names are on the registry during the investigation or when a license is denied, but they are not systematically notified.

B. Procedures

Subjects of a report are entitled to a fair hearing. An Administrative Hearings Unit screens all requests for hearings. Before scheduling a hearing, the unit checks to "...determine if there is a legal or policy basis for a hearing; clarify the issues underlying the request for a

hearing; and when appropriate, attempt to resolve the issue through informal negotiation outside the hearing process" (Manual, Vol 5, Ch. II). If the unit decides that a hearing is warranted, it schedules the hearing, assigns a hearing officer or panel, arranges a location, and notifies the participants in writing.

The Director of Administrative Hearings reported that no requests for hearings have been received and that no appeals have ever gone to court.

IV. RECORDS USAGE

A. Accessibility and Confidentiality

Persons or agencies with emergency access to the registry have the ability to query the central registry by telephone and receive an immediate response. The following persons are eligible for emergency access:

- a. legally-mandated public or private child protective agencies investigating a report of known or suspected child abuse or neglect, or an agency treating a child or family which is the subject of a report;
- b. police or other law enforcement agencies investigating reports of known or suspected child abuse or neglect;
- c. physicians who suspect a child before them was abused or neglected;
- d. persons legally authorized to place children in protective custody;
- e. agencies which have the legal responsibility or authorization to care for, treat or supervise a child who is the subject of a report or record, or to treat the parent, guardian or other person responsible for the child's welfare. (§ 17-38a-6).

Routine access to registry, i.e. access given by appointment or in writing, is available to all persons eligible for emergency access and to the following additional people:

- a. people named in the report alleged to be abused or neglected (if persons named are minors or otherwise incompetent, to guardians ad litem or conservators).

- b. parents, guardians or other persons responsible for the welfare of a child named in a report or their attorneys (all information except source of the report);
- c. persons engaged in bona fide research (except information identifying subjects unless absolutely essential to the research);
- d. courts, upon finding that access to records is essential to the determination of an issue before the court;
- e. appropriate state or local officials who are responsible for carrying out official functions with respect to child protective services (§ 17-38a-6).

A summary of the people who have access to the central registry and the types of information they are authorized to receive is contained in Figure 10. Call backs and passwords are used to verify the authenticity of calls. If there is any doubt, the information is withheld until the caller's identity is verified (§ 17-38a-7).

A log of inquiries is made which contains information on the following: date and time of the inquiry; the inquirer's name, address, phone number and affiliation; the subject of the inquiry; and the type of information released (17-38a-9). Callers who repeatedly make reports on the same individual are referred to the regional office which tracks whether the complaints are valid.

The maximum penalty for unauthorized disclosure of confidential information is a \$1,000 fine or up to a year in prison (§ 17-38a (g)). No criminal charges for unauthorized disclosure have been initiated in the past two years.

B. Uses of Information

1. Management

Important uses of registry data are for case management, planning, budgeting and resource allocation. Statistical reports are generated on a periodic basis.

2. Applicant Screening

Applicants for adoption and foster care can be checked against the family and individual files; there are no perpetrator files against which to screen applicants for employment. For day care applicants, the registry will provide information on: (1) when the person appeared in the records; (2) the reason for the referral; and (3) the suspected perpetrator. All members of the applicant's household are checked and all members over 16 must sign a release. As many as 20 to 25% of the names that are checked match names found in the CMS database. However, this "match rate" does not indicate that 20%-25% of the applicants are perpetrators of abuse because non-perpetrators are listed in CMS as well.

3. Research

Registry information is used by researchers, especially those located at Yale University. Researchers who desire to use registry data must make a written request specifying the purpose of the research and the precautions taken to ensure confidentiality and security of the information. The researcher must be informed of and accept the sanctions for improper use of the data. The Commissioner of the Department of Children and Youth Services must authorize the disclosure (§ 17-38a-10).

4. Diagnosis

Connecticut is one of the rare states in which data are used by professionals to help them diagnose cases of suspected child abuse or neglect. Eighty-two percent of such requests for information come from law enforcement agencies and or hospitals. Consequently, both doctor shopping and hospital shopping are discouraged. The manuals address risk assessment "guidelines", but there are no specific risk assessment instruments in use at present.

5. Public Education

The registry received 319 requests for information in 1986. A program for teachers "Child Abuse Awareness in the Schools" has been prepared.

V. FUTURE DIRECTIONS

The passage of the Family Violence Prevention and Response Act, which went into effect on October 1, 1986, suggests that Connecticut is viewing child abuse and neglect within the context of domestic violence. There is some concern that there will be pressure to expand the system beyond the capacity of existing resources.

Other concerns are related to the issue of confidentiality. The four separate statutes that govern the confidentiality of DCYS records appear to conflict. There is also some ambiguity with regard to confidential exchanges between DCYS and law enforcement agencies and requests for information under the Freedom of Information Act.

Finally, Connecticut may be faced with a major due process issue in the future because it does not notify individuals who are added to the central registry database. Given the attention certain groups have paid to the rights of individuals who are named in registry files, Connecticut's procedures may be challenged in the future.

CHAPTER 3

FLORIDA ABUSE REGISTRY

I. OVERVIEW

Distinctive features of the Florida Abuse Registry which prompted a site visit are: 1) it is currently the only registry which contains both child abuse and elder abuse information; 2) it is the only state whose reporting law explicitly lists the prevention of child abuse and neglect as a goal; and 3) it was the first state to use a "hotline."

Florida law required the Department of Health and Rehabilitative Services (HRS) to establish and maintain central registries for reports of child abuse in 1971 (Florida Statutes Ch. 71-136 and 71-97 subsequently cited as Ch.). In 1977, the Legislature required that reports of abuse of aged and disabled persons be made to HRS as well (Ch. 77-174). The prevention of child abuse and neglect, defined in Florida Statutes 415.503 as "harm or threatened harm to a child's physical or mental health or welfare by the acts or omissions of the parent or other person responsible for the child's welfare," is a state priority (Ch. 415.501, 1985).

Since 1971, the Florida Legislature has made several revisions and amendments to the laws pertaining to the operation of its Abuse Registry. The information presented below is an outline of the Child Abuse Registry's operation in the spring of 1987. During the site visit, the Florida Legislature was in session, and additional changes related to the Registry's operation were expected.

A. Organization and Personnel

The Department of Health and Rehabilitative Services has three main divisions: Administration, Operations, and Programs (see Figure 1). The Deputy Secretary for Operations is responsible for maintaining Florida's Abuse Registry. The Deputy Secretary reports to the Secretary of HRS, who reports directly to the Governor. The Registry employs 35 full-time equivalent professional personnel and 30 full-time equivalent administrative personnel who work a day shift, evening shift, or a midnight and weekend shift. The Registry's budget for the 1986-1987 fiscal year was \$1,138,248.

B. Facilities

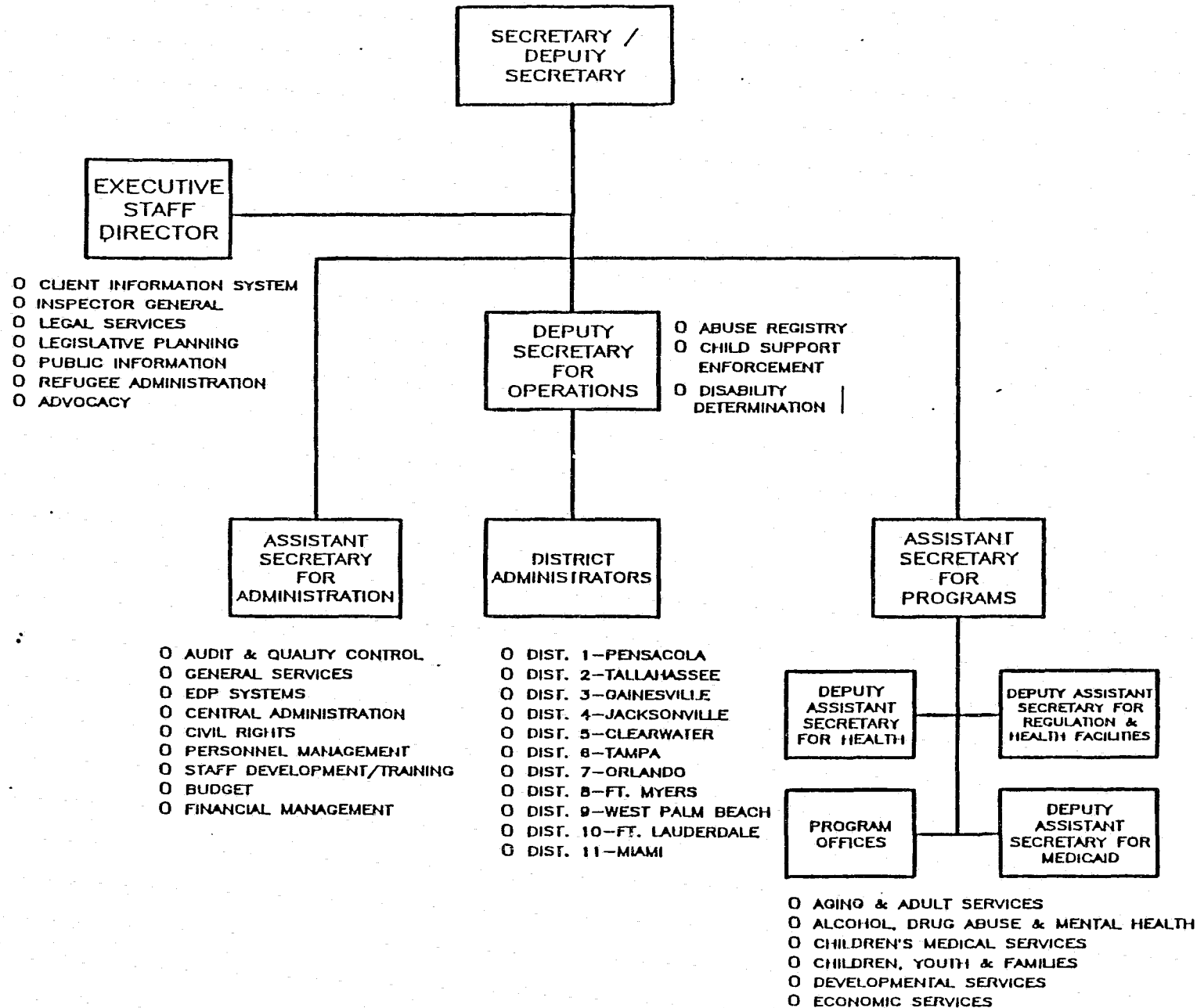
1. Hotline

The Registry operates a state-wide hotline, staffed by professional counselors, 24 hours a day (Ch. 415). Hotline facilities include 13 telephone lines exclusively for abuse and neglect reports, two separate lines for receiving complaint reports about HRS, and one administrative line. Approximately 20% to 25% of abuse reports are made directly to the hotline. The remaining abuse reports are made to local offices in Florida's 11 service delivery districts. (One of the possible changes in the system discussed at the time of the site visit was the handling of all initial abuse reports by the Abuse Registry. The current plans call for centralizing all abuse reporting on July 1, 1988).

Incoming calls via the WATS lines are monitored by the ROLM telephone system: 95% to 98% of the calls are answered by a counselor within 10 seconds. The telephone system keeps track of whether a counselor currently is taking a call, filling out a report, or engaged in another activity. The system also provides statistical summaries for the hotline in general and for each counselor.

FIGURE 1

DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES, OCTOBER 1, 1986



2. Information Systems

HRS has access to three Burroughs' mainframe computers (A-15, A-9, and B7900) located in Jacksonville. A fourth mainframe (Burroughs B7900), located in Tallahassee, is used for development work. Burroughs' microcomputers are used in the field for accessing and updating data. The mainframes are networked, and both auxiliary power and data back-up facilities are available during emergency situations. Twelve terminals are used to enter data received on the hotline; 12 to enter data received by mail (from local offices), and 6 are used by managers, supervisors, and data analysis staff of the Abuse Registry. Approximately 281 remote access terminals link the registry with local offices throughout the state. Major computer development work for the Registry is done in conjunction with HRS data processing staff. The Abuse Registry, however, has its own data analysis section for producing a variety of reports "in-house". Both SPSS (Statistical Package for the Social Sciences) and DARGAL (Data Access, Reporting, Graphics, and Analysis Language) software packages are used for producing ad hoc reports.

HRS has an automated system (Client Information System or CIS) for tracking any individual who receives services. The system is "referral-based": It records all information under the individual client. The Registry has its own system for recording abuse and neglect cases called the Abuse Registry Information System (ARIS). ARIS was developed as a separate system from CIS because of the Registry's criteria for records expungement and the confidential nature of the information retained by the Registry. However, CIS is checked routinely by Registry staff for additional background information on cases. Unlike

CIS, the ARIS system is "report-based": Information is recorded for each abuse report. ARIS contains information on victims, maltreatments, and perpetrators, but it does not have the capacity to link perpetrators to specific acts of abuse against specific victims. Florida currently is working on a new system, primarily referred to as the Florida Abuse Reporting Information System (FARIS), which will overcome this limitation of ARIS. FARIS will be part of CIS; the need for separate systems has been eliminated because of the availability of more sophisticated computer security which can limit the access of data to specific individuals.

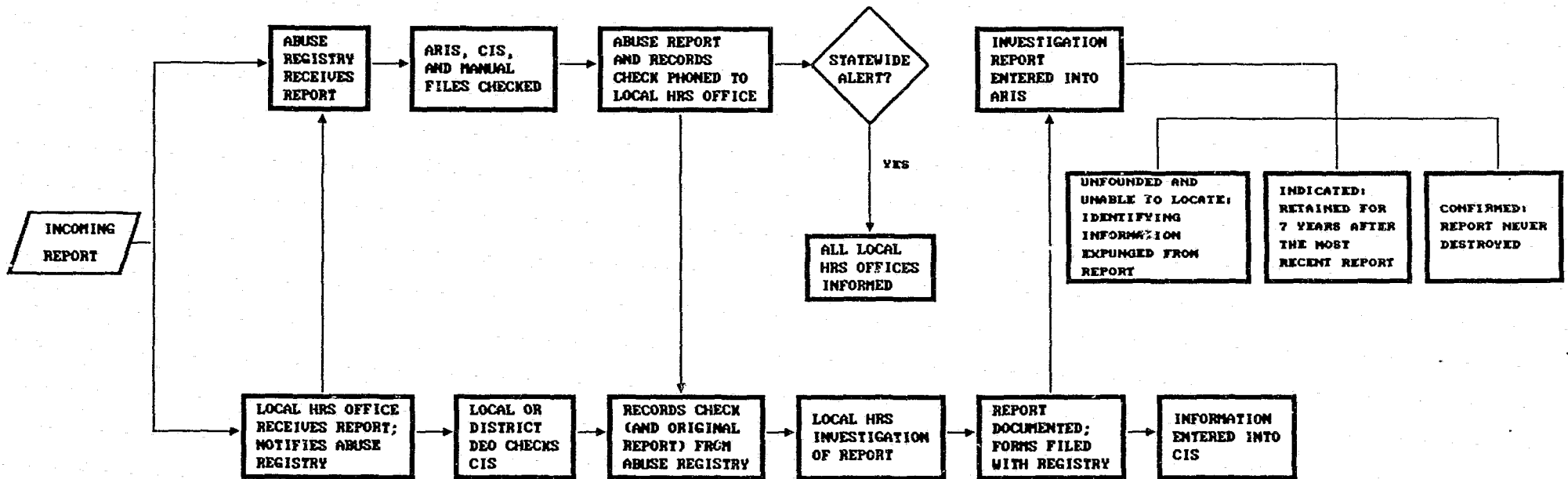
II. CASE PROCESSING

A. General Description

Figure 2 presents the major steps in processing a report of alleged abuse or neglect. Reports of abuse or neglect in Florida may be made directly to the Abuse Registry or to local offices where they are forwarded to the statewide central registry. If the report is received at the Abuse Registry initially, the counselor enters the information into ARIS and checks both ARIS and CIS for prior reports. (Manual files containing narrative information on cases before 1985 also may be checked if a prior report was found.) The counselor calls in the report to the local HRS office (or an on-call counselor during evening hours and on weekends) within one hour and follows-up the phone call with a copy of the information. If a suspected victim is missing, the local offices are informed via a Statewide-Alert or a Request-To-Locate. When the local counselor receives the abuse report from the Registry, an investigation into the facts of the report is started. When completed, the counselor

FIGURE 2

FLORIDA ABUSE REPORT CASEFLOW



sends a copy of the investigative report to the Registry, where the information is entered into ARIS and the paper copy filed. A separate report also is generated for local entry into CIS.

If the abuse report is received by a local office initially, the local counselor sends a copy of the information to the Abuse Registry where it is entered into ARIS. A local or district office Data Entry Operator (DEO) also enters information on the child into CIS and does a search for previous reports. The Abuse Registry staff does its own records check and relays the information back to the local counselor. At this point, the process is the same as that for a report initially received at the Abuse Registry: An investigation is conducted, the results are forwarded to the Abuse Registry for entry into ARIS, and a report is generated for local entry into CIS.

One of the problems with the current system of processing an abuse report in Florida is the inefficiency of entering much of the same information into both ARIS and CIS. In addition, both the Registry and the local office often duplicate the CIS records check. The proposed Central Registry and FARIS system mentioned above are possible solutions to these problems. Initially, all reports will come through the Registry and then be printed out in the local office. Local counselors will investigate the report and the results of the investigation will be entered into FARIS at the local office. Because the system for storing abuse reports will be part of CIS, the number of forms to complete and the amount of data entry will be reduced significantly.

B. Incoming Reports

Currently, approximately 25% of all reports are received via the WATS lines in the Abuse Registry and 75% are received by mail from

the local offices or from private citizens. Reports to the local offices may be made in person, by mail, or by telephone. In 1986, 94,479 reports of child abuse and neglect were received locally and at the Registry, and 19,594 reports of adult abuse and neglect were received. A plurality of reports are made by professionals, who were the source of 40.9% of the reports in the first half of 1984. Professional sources who reported suspected maltreatment included: school personnel (13%), social services personnel (11.8%), law enforcement personnel (9.7%), medical personnel (5.5%), and child care providers (0.9%). Other major sources of child abuse and neglect reports were as follows: 36.8% non-professionals, 17.2% anonymous sources, and 5.1% other sources.

No screening of reports is done at the hotline. All reports are accepted, but reports that do not meet the definition of abuse or neglect are referred to the proper agency. Figure 3 shows a classification of the type of referrals made by the Abuse Registry. Cases may be screened differently by different counselors in the local districts before they are forwarded to the state Abuse Registry. (One reason given for centralizing all reporting at the state-level hotline is to eliminate differences in interpretation.)

C. Report Information

Figure 4 shows the reporting form used in Florida. Information on five victims and three suspected perpetrators can be recorded on each form. The mandatory data elements are: the social security number of the victim, and the suspected perpetrator's age, race, sex, and social security number (HRSM, 4-15). Additional victim information sought includes: race, sex, age, disability, and up to ten alleged maltreatment codes per incident. Space is provided for a narrative description of the

FIGURE 3: Types of Referrals

ABUSE REGISTRY FUNCTIONS AND TYPE-CALLS RECEIVED

1. Handicapped Infant Hotline
2. Daycare Licensing Hotline
3. Daycare Information Inquiry
4. Child/Adult Abuse/Neglect Intake
5. Spinal Cord Injury Registry
6. Human Rights Advocacy Committee Referrals
7. Long-Term Care Ombudsman Committee Referrals
8. H.R.S. Complaint Line
9. Foster Care Runaways
10. Crimes Compensation/Victim Assistance Program
11. Spouse Abuse
12. "Child Referrals (no abuse/neglect)
13. "Adult Referrals (no abuse/neglect)
14. Rape Crisis Counseling and Referral
15. Poison Control Centers
16. Information and Referral
17. Suicide Crisis Counseling and Referral
18. Child Development Perimeters
19. Volunteer Services Coordinator
20. H.R.S. Functions Referral
21. Mental Health Referrals
22. Law Enforcement Referrals (criminal abuse/neglect)
23. Missing Children's Clearinghouse
24. Florida Bar Lawyer's Referral
25. Referrals to the State Attorney's Office
26. D.O.E.- Professional Practices Council
27. Parent Education/Crisis Intervention
28. Parent's Anonymous Referrals
29. Runaway and Homeless Youth Referrals
30. Public Information Requests
31. Chronic and Obscene Caller Log
32. Department of Professional Regulation Referrals
33. Death Log
34. Client Relations Coordinator Referrals
35. Statewide Alerts/Requests to Locate/Unable to Locate
36. Out of State Protective Services Alerts
37. National Protective Services Alerts
38. O.P.A.C.R Clearance Requests
39. Phone Record Checks
40. Child Labor Law
41. Chapter 415, Florida Statutes

11/11/84

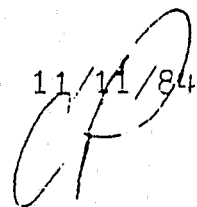


FIGURE 4: Reporting Form
SUBJECT INFORMATION

VICTIM #1.

LAST NAME	FIRST	MIDDLE (ALIAS)	RACE SEX	DOB/AGE
DISABILITY		SCHOOL/GRADE	SOCIAL SECURITY #	
ALLEGED MALTREATMENT (TEN CODES POSSIBLE)				

VICTIM #2.

LAST NAME	FIRST	MIDDLE (ALIAS)	RACE SEX	DOB/AGE
DISABILITY		SCHOOL/GRADE	SOCIAL SECURITY #	
ALLEGED MALTREATMENT (TEN CODES POSSIBLE)				

VICTIM #3.

LAST NAME	FIRST	MIDDLE (ALIAS)	RACE SEX	DOB/AGE
DISABILITY		SCHOOL/GRADE	SOCIAL SECURITY #	
ALLEGED MALTREATMENT (TEN CODES POSSIBLE)				

VICTIM #4.

LAST NAME	FIRST	MIDDLE (ALIAS)	RACE SEX	DOB/AGE
DISABILITY		SCHOOL/GRADE	SOCIAL SECURITY #	
ALLEGED MALTREATMENT (TEN CODES POSSIBLE)				

VICTIM #5.

LAST NAME	FIRST	MIDDLE (ALIAS)	RACE SEX	DOB/AGE
DISABILITY		SCHOOL/GRADE	SOCIAL SECURITY #	
ALLEGED MALTREATMENT (TEN CODES POSSIBLE)				

USE: "P" FOR PERPETRATOR / "H" FOR HOUSEHOLD / "O" FOR SIGNIFICANT OTHER

()

LAST NAME	FIRST	MIDDLE (ALIAS)	RACE SEX	DOB/AGE	ROLE	S.S.#
ADDRESS (DIFFERENT FROM VICTIM'S)			EMPLOYMENT ADDRESS/PHONE #			

()

MARITAL STATUS?	AWARE OF REPORT?	KNOWN TO OTHER AGENCIES?				
LAST NAME	FIRST	MIDDLE (ALIAS)	RACE SEX	DOB/AGE	ROLE	S.S.#
ADDRESS (DIFFERENT FROM VICTIM'S)			EMPLOYMENT ADDRESS/PHONE #			

()

MARITAL STATUS?	AWARE OF REPORT?	KNOWN TO OTHER AGENCIES?				
LAST NAME	FIRST	MIDDLE (ALIAS)	RACE SEX	DOB/AGE	ROLE	S.S.#
ADDRESS (DIFFERENT FROM VICTIM'S)			EMPLOYMENT ADDRESS/PHONE #			
MARITAL STATUS?	AWARE OF REPORT?	KNOWN TO OTHER AGENCIES?				

FIGURE 4: (continued)
 ABUSE REGISTRY INFORMATION SYSTEM

ABUSE INCIDENT INFORMATION

ARIS#	SRC	VTM	TYP	EMR	SWA	ACTIVITY	CNTY	REC

REPORTED: ___ / ___ / ___ , ___ : ___ . LOCAL WORKER: _____

REPORTER NAME: _____ PHONE: () _____

REPORTER ADDRESS: _____ ZIP: _____

METHOD OF CONTACT: _____ REFERRAL SOURCE: _____

VICTIM ADDRESS: _____ CITY: _____

ZIP: _____ PHONE: () _____

INSTITUTION: _____ WARD: _____

NARRATIVE INFORMATION:

incident. Additional information requested on suspected perpetrators includes: aliases, race, employment, address, phone number, marital status, awareness of report, and whether the suspect is known to other organizations.

The use of social security numbers for identification purposes is emphasized. A client's identification number may be substituted but is not considered a positive identification. Registry records are indexed by victim, perpetrator and institution, if applicable. Within the report, other members of the household and "significant others" also are identified. Reports about institutional abuse and neglect are labeled as "child" or "adult"; institutions and the facility type also are identified.

Efforts are made to receive complete and accurate information on the hotline. Counselors are trained to ask probing questions and to request clarification when necessary. Although it is not necessary to know the name of a suspected perpetrator in order to make a report, all relevant information, including speculation as to whom the suspected perpetrator might be, is solicited. If information received from local offices is ambiguous or incomplete, registry personnel contact the office that completed the investigation and request clarification. Verifying information also is obtained through CIS.

Reports received via the WATS lines are entered immediately into the Abuse Registry Information System and thus are available immediately to authorized staff members. Reports received in the mail from either local offices or private citizens are entered on the system within one week of receipt. Paper backup files for the reports,

including reports of the investigation, amendments and follow-up reports, are maintained by the local offices.

D. Case Disposition

A local HRS counselor must initiate a child protective investigation of any abuse complaint immediately if it appears that a child's safety is endangered, the family may flee, or if the child is disabled. An investigation of all other complaints must begin within 24 hours (HRSM 4-16). The local office has 30 days to close a case of reported child maltreatment. (ARIS "flags" cases for which an investigation report has not been received.)

Florida has three dispositional categories: indicated, unfounded, and unable to locate. Unable to locate is an administrative category for cases where the investigation could not be completed. In 1987, legislation divided substantiated report into two types: indicated which does not disqualify the perpetrator from employment involving a position of trust with children; and confirmed, which does disqualify the perpetrator from such employment. Credible evidence, "evidence which would cause a reasonable person to believe a child was abused or neglected," is the standard of proof required to substantiate a report (State Plan for Child Welfare Services in Florida, 1985, p. 9).

According to the State Plan for Child Welfare Services in Florida (1985:9), the substantiation rate for FY 1984-85 was 58.6 percent (18 children per 100). The substantiation rate among districts ranged from a low of 47% to a high of 69%. At 61%, the substantiation rate for sexual abuse was higher than the rate for other categories of maltreatment.

Reports from professional sources were more likely to be substantiated (57.6%) than reports from non-professionals (40.7%). Of all referral sources, reports from law enforcement were most frequently indicated (65.1%) whereas reports from anonymous (25.4%) or unspecified (31.8%) sources were least likely to be indicated (State Plan for Child Welfare Services in Florida, 1985:17).

E. Records Maintenance

1. Retention

"Unfounded" reports are expunged within 1 year. The identifying information in the record is deleted from the computer system and the written records destroyed. Only a report number and the non-identifying information required for statistical purposes remain to mark the deleted incident.

Confirmed child abuse reports are never destroyed, but 1987 legislation requires that indicated reports be purged seven years after the most recent report.

2. Security

Registry records are kept in a secure room with controlled access. Knowledge of code numbers is required to gain access to the room and passwords and other security devices are necessary to gain access to automated files. The supervisor in the local office is charged with safeguarding reports.

III. DUE PROCESS

A. Notification

Subjects of reports, including the child victim, parent or guardian, and suspected perpetrator, are notified by mail of the results

of the investigation (indicated, confirmed or unfounded). Perpetrators are notified of their right to request amendment or expungement of a confirmed report. An unaddressed sample of a letter of notification for a confirmed case of abuse or neglect is presented in Figure 5. All letters are reviewed and signed by the local office. If an error is found, the report is updated, and a new letter is sent. These letters are generated automatically on a weekly basis. A computer program reviews reports for a notification code of "N". After the notification letter is generated, the code is updated to "Y".

B. Procedures

The name and address of the district administrator is included in the notification letter to perpetrators in confirmed reports. Perpetrators have 30 days to write to the district administrator asking that the report be amended or expunged. Perpetrators have the right to request amendment or expungement of a confirmed report on the limited grounds that it is inaccurate or it is being kept in a manner inconsistent with Chapter 415 of Florida Statutes. Inconsistent here means that confidentiality is violated or information is inappropriately released. The burden of proof is on HRS and the standard of proof used is "preponderance of evidence." Failure to meet time frames (e.g. failure to classify a case within 30 days) or other processing errors are considered "harmless errors" and are not grounds for expungement.

In practice, less than one percent of the perpetrators requests amendment or expungement. The district administrator must act on the request within 30 days. If no action is taken or if the district administration refuses to act, the perpetrator is notified that no amendment or expungement is warranted and has 30 days to request an



STATE OF FLORIDA
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

NOTICE 05 - LAYOUT

(1)

(2)

(3)

RE: Abuse Report No. (4)

Dear (2):

This letter is in regard to a report received by the Department of Health and Rehabilitative Services on (5) about suspected (6) abuse or neglect. You were named in the report.

The department has now completed its investigation and has classified the report as confirmed. A confirmed report is defined as a report made pursuant to (7) of the Florida Statutes when a (8) protective investigation has determined that abuse or neglect has occurred and the perpetrator has been identified. The record will be maintained indefinitely in the state's central abuse registry. As the identified perpetrator, you may be disqualified from working with children or the developmentally disabled or in sensitive positions involving the care of children, the developmentally disabled, disabled adults or aged persons.

If you feel that this classification is inaccurate or that the report is inconsistent with applicable law, you may request that the Secretary of the Department of Health and Rehabilitative Services amend or expunge the record. This request must be in writing and must be received by the department within 30 days of the date you receive this notice. If you do not request the amendment or expunction of your record, it will mean that you agree not to contest the classification. If you do request the amendment or expunction of your record, the Secretary may consider that request and call for a thorough review of your record. Should the Secretary refuse to amend or expunge the record or not act within 30 days of your request, you may then request an administrative hearing to contest the record.

administrative hearing to contest the decision. Administrative hearings, formal proceedings complete with transcripts, are conducted on appeals from the District Administrator's review in accordance with the Administrative Procedures Act. Expungements are completed in one to three days after a letter giving the results from the district review or administrative hearing arrives at the registry. In 1985, only two appeals were filed.

In 1986, the constitutionality of the classification system was challenged in court and upheld by the First District Court of Appeal (Anderson v. Florida). Another class action suit is currently pending before the Third District Court of Appeal.

IV. RECORDS USAGE

A. Accessibility and Confidentiality

Only the HRS receives registry information automatically. All records are confidential and can be released only by Abuse Registry personnel to authorized personnel. Florida Statute 415.51 clearly defines persons eligible to receive access to the report as:

- o employees of the Department of Health and Rehabilitative Services (HRS) responsible for child protective investigations, or licensing, or approving adoptive homes, foster homes, or other homes used to provide for the care and welfare of children;
- o a law enforcement agency investigating a report of known or suspected child abuse or neglect;
- o the state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred;
- o any child, parent, or perpetrator who is the subject of a report or the subject's guardian, custodian, guardian ad litem, or counsel;

- o a court or grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business;
- o any appropriate officials of the DRS responsible for:
 - administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse or neglect when carrying out his official function; or
 - taking appropriate administrative action concerning an employee of the department alleged to have perpetrated institutional child abuse or neglect;
- o any person engaged in bona fide research or audit purposes. No information identifying the subjects of the report shall be made available to the researchers unless such information is absolutely essential to the research purpose, suitable provision is made to maintain the confidentiality of the data, and the department has given written approval; and
- o the Florida Department of Law Enforcement for the purpose of assisting local law enforcement agencies and the department in identifying and investigating crimes perpetrated against children, including but not limited to, prostitution, sexual or physical abuse, pornography, pedophilia, and child homicides.

In addition to the above, requests about children and families known to social services agencies in other states are provided by the registry.

Limited access to information is available by telephone to authorized local office workers listed in the CIS service worker directory after they provide the registry counselor with the district, network, unit number, name, social security number, and worker's code. (H.R.S.M. 3-6.d(c)).

The name or identifying information of the person reporting abuse or neglect can not be released to anyone except the employees of HRS responsible for child protective services, the Abuse Registry, or the appropriate state attorney, and it always requires the written consent of

the person reporting. Reporters may request information on whether a case was investigated and, if so, its disposition.

Individuals receiving report information must sign an oath not to disclose information contained in a report except as allowed by statute. The criminal penalty for knowing and willful disclosure is a second degree misdemeanor. Florida also has statutory provisions to deny access to recipient agencies which disclose confidential information (§415.513).

B. Uses of Information

1. Internal Management

Registry information is used internally to establish workloads and to determine goals for child protective services, to allocate resources, and to prepare budget requests. Workload data, such as telephone traffic, reports received, and clearances received, are collected daily and summarized monthly.

2. Screening Applicants

Searches of the abuse registry database for the existence of a confirmed report on persons applying for adoption or for work with children (either as a volunteer or paid employer) require the written consent of the applicant (Ch. 415.510). Legislation passed in 1985 requires closer screening of persons who provide out-of-home care or otherwise work with children in programs including shelter and foster care, alcohol, drug, and mental health treatment programs, day care, and other licensed or registered programs, both residential and non-residential. Staff search Abuse Registry records without a fee for the existence of confirmed reports, and advise the authorized licensing agency, applicant for license, or other authorized agency or person of:

the results of the search, the date of the report, and the procedure for inspecting court records, if a judicial determination of abuse was made.

Perhaps because the applicant must give consent to a search of the Abuse Registry for confirmed reports, the "match rate" or number of times a confirmed report is found is very low. For example, in a recent year, 189 "hits" or matches were found out of nearly 200,000 requests for screening. Of course, the number of applicants who were deterred from applying for positions involving child care because of the screening requirement is unknown.

3. Research

Information is provided regularly to the Florida Legislature and to other HRS agencies involved in the prevention of abuse or neglect and caretaker screening. Ad hoc reports on such topics as types of maltreatment or facility abuse and neglect, are generated as requested.

4. Diagnosis

Risk assessment models are under review but currently are not used in Florida.

5. Public Education

Public information campaigns are conducted regularly using all media. Posters about reporting child abuse and neglect must be displayed in all licensed facilities. Abuse and neglect reporting is a component of staff orientation as well as on-going training, and also required by law for training staff of private day care centers.

V. FUTURE DIRECTIONS

A Protective Services Initiative currently being considered by the Legislature would alter the present registry by:

- o having all abuse and neglect reports made to the statewide toll free hotline, thus eliminating reports to the districts;
- o instituting a protective services tracking system to monitor the conduct of the investigation, including contacts with subjects of reporting; tracking emergency placement; documentary risk assessment the execution of legal requirements; documenting the evidence base; and follow-up services provided;
- o upgrading the management reporting system;
- o improving training for investigators; unit supervisors; registry counselors and supervisors, analysts; and protection community staff;
- o creating specialized protection investigation units, including an institutional abuse unit and a sexual abuse unit;
- o adding multi-disciplinary teams, including child protection teams, human rights advocacy committees, and long-term care ombudsman committees; and
- o improving the quality control process with data monitoring and quality assurance units.

Personnel in Florida are interested in cooperating with other states in developing an interstate register to facilitate sharing information on suspected perpetrators who cross state lines.

CHAPTER 4

ILLINOIS STATE CENTRAL REGISTRY

I. OVERVIEW

The Illinois Central Register is mandated by the Abused and Neglected Child Reporting Act (Ill. Rev. Stat, Ch. 23 Par. 2051 § 2, hereinafter only the section number will be given in parenthesis). The most recently enacted abuse and neglect law (P.A. 81-1077, effective July 1, 1980) defines an abused child as a child whose parents, other persons responsible for the child's welfare, paramour of the child's parent or any other person residing in the household who:

- o inflicts or allows to be inflicted a physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
- o creates a substantial risk of the above mentioned physical injuries;
- o commits or allows to be committed any sex offense against a child;
- o commits or allows to be committed an act or acts of torture against a child; or
- o inflicts excessive corporal punishment.

The law defines "neglected" child as one whose parent or other person responsible for the child's welfare either abandons the child or does not provide proper or necessary support, education, medical or other remedial care necessary for the child's well-being, including adequate food, clothing, and shelter. A child is not considered neglected if his or her caretaker fails to provide medical assistance because of religious reasons unless that failure results in harm or a substantial risk of injury to the child. Recently added to the definition of neglect is

"blatant disregard"--incidents in which "the risk of harm to a child is so imminent and apparent that it is unlikely that any parent or caretaker would expose the child to such without taking precautionary measures to protect the child" (1986 Annual Report, 12.).

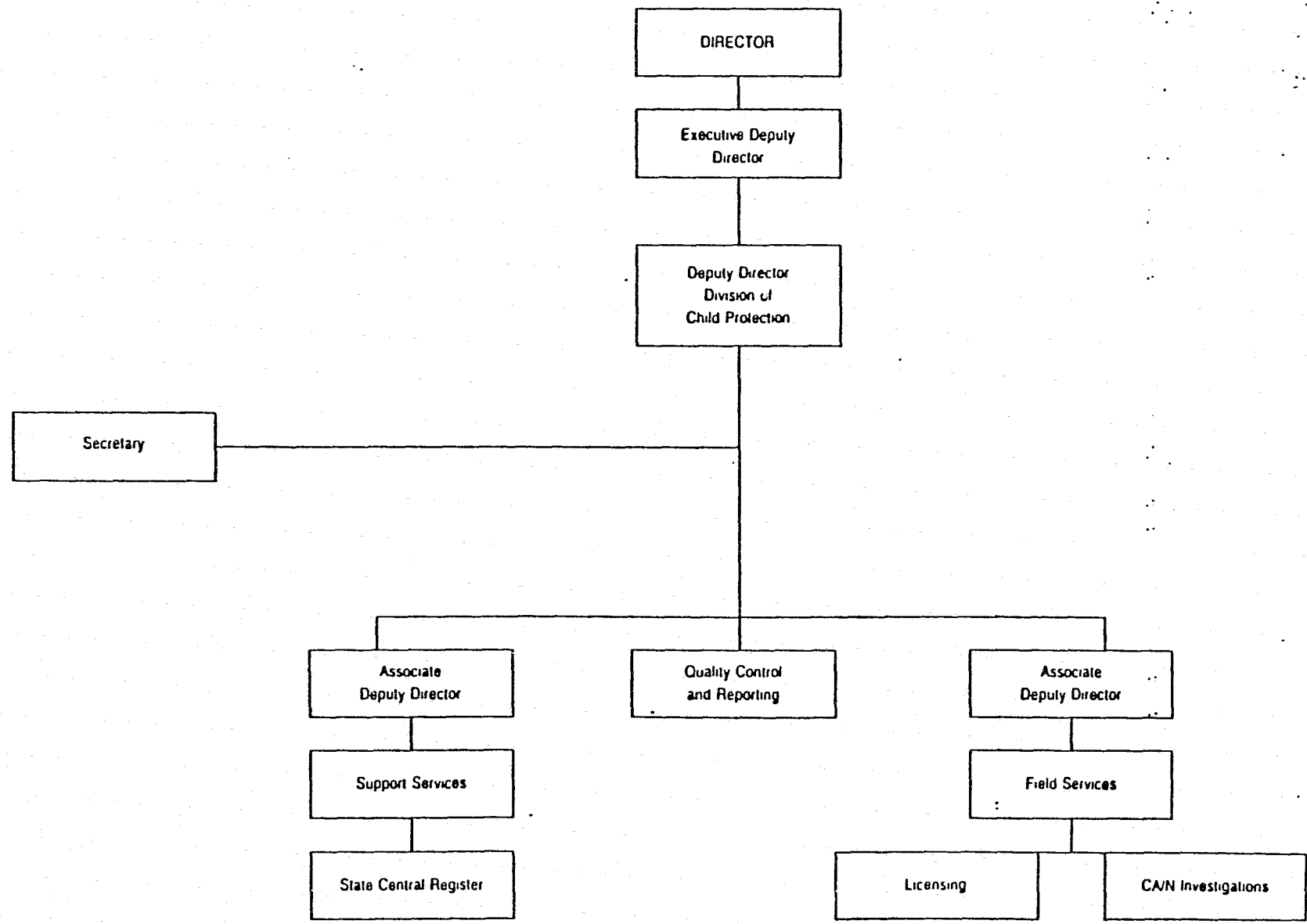
Effective January 1, 1988, the definition of "person responsible for the child's welfare" also was expanded to include educational personnel, health care professionals, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

Illinois was one of the first states to use risk assessment models during child protection investigations. It is also a prime example of a state-centralized system. Other distinctive features of the Illinois Central Register are:

- o the Child Abuse Prevention Fund, created by the General Assembly in 1984, which allows taxpayers to donate up to \$10 (\$20 for persons filing joint returns) of state income tax refunds to support community prevention efforts;
 - o the "State-wide Citizen's Committee on Child Abuse and Neglect" which advises the Director of DCFS on setting priorities; and
 - o a quality control team who checks investigation reports and compares them with information on the computer system.
- A. Organization and Personnel

The State Central Register (SCR) is managed by the Division of Child Welfare and Protective Services within the Department of Children and Family Services, DCFS (see Figure 1). In addition to the SCR, the DCFS is responsible for investigating all reports of abuse or neglect. It does this through eight regional offices. Each regional office has several field offices associated with it to ensure "equal access to DCFS services throughout the state" (Human Services Data Report,

FIGURE 1



1985-1987:118) and at least two multidisciplinary teams responsible for investigating reports of suspected abuse or neglect.

The SCR employs 40 full-time equivalent social and child welfare workers to receive incoming reports of abuse or neglect, 13 data entry operators, 13 production control support staff, and 4 secretaries. Because the SCR operates on a 24 hour a day basis, each position (except the 4 secretarial positions) has several shifts. Because Illinois has a large Spanish-speaking population, at least one bilingual social worker is available to take abuse and neglect reports on each shift. SCR employees are part of the state government employees' union. Therefore, contracts determine pay and vacation schedules. Unionization of staff has the advantage of discouraging political appointments, but the corresponding disadvantage of giving seniority strong consideration when making job assignments.

During fiscal year 1985, the SCR budget was \$2,150,000. The projected budget for fiscal years 1986 and 1987 are \$2,309,400 and \$2,602,500, respectively. All funding comes from Title XX federal monies. (Human Services Data Report, 1985-1987.)

B. Facilities

1. Hotline

The Child Abuse Hotline is Illinois' statewide, toll-free hotline for reporting suspected cases of abuse and neglect. It operates 24 hours a day, seven days a week. Approximately 97% of all reports of abuse initially come to the hotline. During fiscal year 1986, the SCR received 181,548 calls, a 155% increase over the 71,255 calls received in fiscal year 1981. In addition to the Child Abuse Hotline, a separate, unpublished toll-free number also is available for DCFS staff to make and

transmit reports of abuse and neglect to the SCR. A separate number also is available for individuals outside of Illinois who wish to report a case of suspected abuse or neglect in Illinois.

Illinois has a sophisticated telephone system for sequencing incoming Hotline calls. Callers initially hear a recording which asks them to press a "1" on the phone if they wish to report suspected abuse or neglect and a "2" if the call is for some other reason. There are 24 phone lines available for receiving reports of abuse or neglect; information calls can be directed to other phone lines. All calls come to a computerized switch (SL-1) that assigns calls to available operators.

If all of the lines are busy, a recording requests the caller to continue holding until an operator is available to take the call. When a call is on hold, the hotline workers are alerted by a light on their telephone. If a call is on hold for 30 seconds, a clerical worker takes the caller's name and number, and a hotline worker returns the call as soon as possible.

Hotline activities are monitored extensively. Management receives computer printouts monitoring phone activity daily, weekly and monthly. Hotline workers are monitored by an ID number they use to access the telephone system. A computer printout displays the time each worker spends on different hotline activities. Workers are requested to spend an average of five minutes or less on each call to limit the number of calls that are abandoned (a caller hangs up before a worker answers). The elapsed time before a call is answered and the elapsed time before the caller abandons the line is reviewed. Information on the number of

calls and abandonments by day, hour, and shift is used to determine staffing patterns and to make the best use of staff time.

2. Information Systems

The SCR's computerized system for recording cases of abuse and neglect is referred to as the Child Abuse and Neglect Tracking System (CANTS). CANTS information is indexed by case, perpetrator, child, and family. CANTS is maintained on an IBM 8100 located in the same building as the SCR. The 8100 stores all data about prior indicated and pending reports for use by registry workers on the call floor. It is linked to the state's IBM 3090 mainframe computer. Everything on the 8100, except the current day's activities, also is stored on the mainframe. The mainframe also maintains additional investigation data such as contact dates and times, that are not essential to the call floor workers. There are 32 IBM 8775 terminals hard-wired into the 8100; 24 of these are located on the call floor for the hotline. Tape backups are run most nights (Sunday-Thursday), and copies are kept both on and off the premises. The 8100 contains audit records for each transaction entered on the 8100 since the last time the mainframe data base was updated. No auxiliary power source is available during emergencies.

The CANTS system was designed by external consultants. Although the design was conceptually sound, problems of design-hardware fit were encountered during the implementation phase. Over time, staff from the Office of Information Systems (OIS) have "worked around" many of the problems. However, the CANTS system has reached a new level of development giving rise to another set of problems. Because of the volume (over a million records are included in the CANTS data base) and complexity of current CANTS data, a revision of the CANTS system is

likely. At the time of the site visit, a feasibility study was planned to determine the best approaches for updating the system.

One of the feasibility study's considerations will be the possibility of linking CANTS to other DCFS data bases such as the Child and Youth Central Information System (CYCIS) which tracks all clients receiving services. Another consideration will be the integration of "bootleg" sub-systems, currently not a part of CANTS, that have been generated for various SCR purposes with NOMAD or other systems software. Often these bootleg systems contain redundant information and require duplicate data entry into multiple data bases.

OIS works with the SCR in producing many periodic management reports, but it is not staffed to handle all requests from all departments. Therefore, many offices do their own analyses. NOMAD allows other offices to create smaller data bases for their specific needs. For example, the statistical tables for the Annual Report are generated by the Division's Quality Control Unit.

II. CASE PROCESSING

DCFS is the sole agency responsible for receiving and investigating reports of child abuse and neglect, but DCFS may delegate the performance of the investigation to a law enforcement agency or a private social service agency when warranted. This is done primarily in cases where another agency is conducting an investigation of the same incident. Intervention of law enforcement agencies or court orders are requested if Child Protective Service Unit personnel are denied reasonable access to a suspected child victim.

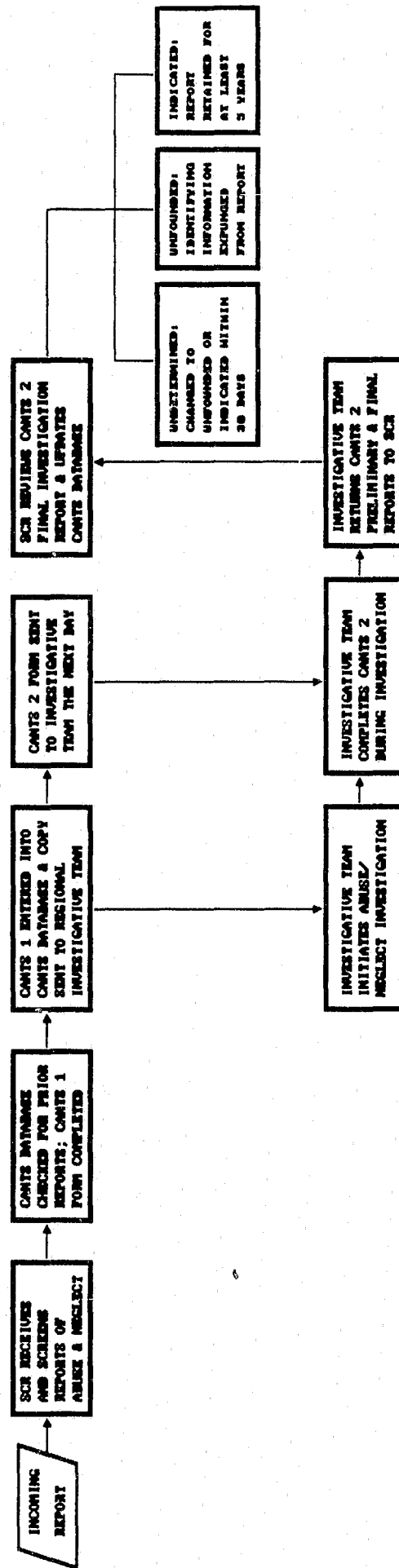
Figure 2 presents the major steps in processing a report of abuse or neglect. When a call is received at the hotline, the social worker taking the call determines if the call constitutes a report of abuse or neglect by using the following four elements: the child must be under 18 years old, a caretaker must be responsible, there must be a set of circumstances or a specific incident, and harm or substantial risk of harm to the child. (1986 Annual Report, 6). The operator also assigns a priority to investigate based upon whether the allegations demand an emergency response. The social worker records the caller's information on a CANTS 1 form (see Figure 3) and conducts a search for prior indicated reports of abuse or neglect on any subject of the new report, including the child and the suspected perpetrator. A "Soundex" search system is used to display all similar-sounding names on file.

The report and the results of the prior search are transmitted to the appropriate regional investigative team by telecopier or by telephone if the local office does not have a telecopier. A clerk collects reports that need to be sent to local offices every 15 minutes. Information about each report is recorded in a verification log before it is transmitted to the appropriate local office. The log allows the SCR to verify that the local office received all the information that was sent.

The hotline worker enters the child's name, the family's native language and the team assigned to the case into the CANTS data base immediately. A data entry operator enters the remaining information by 12:30 AM. A summary of the intake information is printed out on a CANTS 2 form (Figure 4) by 7:00 AM that morning. The CANTS 2 form is sent to the investigative team to complete as the team investigates the report.

FIGURE 2

ILLINOIS ABUSE REPORT CASEFLOW



State Of Illinois Department Of Children And Family Services

1. Call Classification

2. Page ___ of ___

INITIAL ORAL REPORT DUPLICATE REPORT Parallel Investigation Request CWS
 SUBSEQUENT ORAL REPORT ADDITIONAL INFORMATION REPORT Survey Request Information Only

1. SCR NO.	2. INVEST SEQ.	3. CASE NAME LAST FIRST		4. INITIAL REPORT DATE	5. LANGUAGE	6. TYPE FACILITY	7. REPORT TAKEN DATE AM/PM		8. TIME	9. METHOD	10. Call/Teletype DATE TIME AM/PM	
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1. CASEWORKER	2. REGION	3. FIELD	4. CASEWORKER ID No.	5. CASEWORKER NAME LAST FIRST		6. County		7. SPECIAL INSTRUCTIONS (✓) each				
a. Investigation						a. Incident	b. Residence	I. Emergency Response D. Family May Flee or Child Disappear E. Child in Immediate Danger of Physical Harm I. Child Abandoned J. Child in a Hospital; Parents Present II. Immediate Response A. NONE B. Child Unsupervised C. Child Hospitalized F. Child Dead G. Held by Police/Physician H. Other; Explain on Narrative				
b. Parallel								* County Code Number on Reverse				
c. Call Taker/Receiver												

1. Sub. Ref.	2. Last Name	3. INV. (✓)	4. Sex	5. ETH	6. Date of Birth	7. ADDRESS		10. CANTIS SUBJECT ID	12. (✓) OTHER SCR. INVOLVEMENT					Ref No.	SCR No. b.	Seq. c.	Date d.	Stat. e.
						8. Street	9. City		1	2	3	4	5					

Add Ref. i	2. Street		4. State	5. Zip	6. County	7. Reg.	8. Telephone	9. CA/N ROLE/ RELATIONSHIP c. PR (✓) Parental Rights	a. CARETAKER #	CARETAKER #	CARETAKER #	CARETAKER #
	3. City											
A								b. CHILD c. ROLE	PR	PR	PR	PR
								# d. REL				
B								CHILD ROLE	PR	PR	PR	PR
								# REL				
C								CHILD ROLE	PR	PR	PR	PR
								# REL				
D								CHILD ROLE	PR	PR	PR	PR
								# REL				

FIGURE 3

REQUIRED ELEMENTS TO TAKE INITIAL OR SUBSEQUENT ORAL REPORTS

- 1) Subjects(s) under 18 years old, i.e., a child
- 2) Subject(s) responsible for the welfare of a child - i.e. caretaker
- 3) Circumstances/Incidents caretaker behavior describing CA/N (child abuse & neglect) entered in narrative (Block G-5)
- 4) Harm or substantial risk of harm (CA/N role code & Nature of Allegation)

COUNTY LISTING

W/REGION C-6, E-6 & 7, H-1 h & i, H-2 h & i

ID#	COUNTY	REGION#	OFFICE
1	Adams	3A20	Quincy Field
2	Alexander	5A02	Cairo Field
3	Bond	4A05	Carlyle Field
4	Boone	1A05	Winnebago/Boone Intake
5	Brown	3A03	Beardstown Field
6	Bureau	1B12	Princeton Field
7	Calhoun	3A03	Jerseyville Field
8	Carroll	1A07	Rock Falls Field
9	Cass	3A03	Beardstown Field
10	Champaign	3B02	Champaign Field
11	Christian	3A02	Springfield Field
12	Clark	3B04	Charleston Field
13	Clay	5A23	Salem Field
14	Clinton	4A05	Carlyle Field
15	Coles	3B04	Charleston Field
16	Cook	2B40	DCP Intake
17	Crawford	5A23	Olney Field
18	Cumberland	3B04	Charleston Field
19	DeKalb	1A07	DeKalb Field
20	DeWitt	3B20	Bloomington Field
21	Douglas	3B04	Charleston Field
22	DuPage	2A04	Wheaton Field
23	Edgar	3B04	Charleston Field
24	Edwards	5A23	Olney Field
25	Effingham	5A23	Effingham Field
26	Fayette	5A23	Effingham Field
27	Ford	3B02	Champaign Field
28	Franklin	5A02	Marion Field
29	Fulton	1B12	Pekin Outpost
30	Gallatin	5A23	Harrisburg Field
31	Greene	3A03	Jerseyville Field
32	Grundy	2A20	Joliet Field
33	Hamilton	5A23	Harrisburg Field
34	Hancock	3A20	Quincy Field
35	Hardin	5A23	Harrisburg Field

COUNTY LISTING (E4)

ID#	COUNTY	REGION#	OFFICE
36	Henderson	1B26	Galesburg Outpost
37	Henry	1B26	Moline Field
38	Iroquois	3B02	Danville Field
39	Jackson	5A02	Murphysboro Field
40	Jasper	5A23	Effingham Field
41	Jefferson	5A23	Mt. Vernon Field
42	Jersey	3A03	Jerseyville Field
43	Jo Daviess	1A05	Freeport Field
44	Johnson	5A02	Metropolis Field
45	Kane	2A02	Aurora Field
46	Kankakee	2A21	Kankakee Field
47	Kendall	2A02	Aurora Field
48	Knox	1B26	Galesburg Field
49	Lake	2A31	Lake Villa Field
50	LaSalle	1B12	Ottawa Field
51	Lawrence	5A23	Olney Field
52	Lee	1A07	Rock Falls Field
53	Livingston	3B20	Bloomington Field
54	Logan	3A02	Lincoln Field
55	Macon	3B20	Decatur Field
56	Macoupin	3A03	Carlinville Field
57	Madison	4A05	Maryville Field
58	Marion	5A23	Salem Field
59	Marshall	1B12	Peoria Field
60	Mason	3A02	Lincoln Field
61	Massac	5A02	Metropolis Field
62	McDonough	1B26	Macomb Outpost
63	McHenry	2A31	Lake Villa Field
64	McLean	3B20	Bloomington Field
65	Menard	3A02	Lincoln Field
66	Mercer	1B26	Moline Field
67	Montroe	4A08	Washington Park
68	Montgomery	3A03	Carlinville Field
69	Morgan	3A03	Jacksonville Field
70	Moultrie	3B04	Charleston Field

ID#	COUNTY	REGION#	OFFICE
71	Ogle	1A07	DeKalb Field
72	Peoria	1B12	Peoria County Intake
73	Perry	5A02	Murphysboro Field
74	Piatt	3B02	Champaign Field
75	Pike	3A20	Quincy Field
76	Pope	5A02	Metropolis Field
77	Pulaski	5A02	Cairo Field
78	Putnam	1B12	Princeton Field
79	Randolph	4A08	Sparta Field
80	Richland	5A23	Olney Field
81	Rock Island	1B26	Moline
82	Saline	5A23	Harrisburg Field
83	Sangamon	3A02	Springfield Field
84	Schuyler	3A03	Beardstown Field
85	Scott	3A03	Jacksonville Field
86	Shelby	3B04	Charleston Field
87	Stark	1B12	Peoria Field
88	St. Clair	4A08	Washington Park Field Office
89	Stephenson	1A05	Freeport Field
90	Tazewell	1B12	Pekin Field
91	Union	5A02	Anna Field
92	Vermilion	3B02	Danville Field
93	Wabash	5A23	Olney Field
94	Warren	1B26	Galesburg Outpost
95	Washington	4A05	Carlyle Field
96	Wayne	5A23	Mt. Vernon Field
97	White	5A23	Harrisburg Field
98	Whiteside	1A07	Rock Falls Field
99	Will	2A20	Joliet Field
100	Williamson	5A02	Marion Field
101	Winnebago	1A05	Winnebago/Boone Intake
102	Woodford	1B12	Peoria Field
103	Out of State		
104	Out of Country		
105	City of Chicago		
106	Unknown		

STATE CODES

AL	Alabama	GA	Georgia	ML	Marshall Islands	NJ	New Jersey	SD	South Dakota
AK	Alaska	GU	Guam	MD	Maryland	NM	New Mexico	TN	Tennessee
AS	American Samoa	HI	Hawaii	MA	Massachusetts	NY	New York	TX	Texas
AZA	Arizona	ID	Idaho	MI	Michigan	NC	North Carolina	UT	Utah
AR	Arkansas	IL	Illinois	MY	Midway Islands	ND	North Dakota	VT	Vermont
CA	California	IN	Indiana	MN	Minnesota	OH	Ohio	VA	Virginia
CZ	Canal Zone	IA	Iowa	MS	Mississippi	OK	Oklahoma	VI	Virgin Islands
CI	Carolina Island	KS	Kansas	MO	Missouri	OR	Oregon	WA	Washington
CT	Connecticut	KY	Kentucky	MT	Montana	PA	Pennsylvania	WV	West Virginia
DE	Delaware	LA	Louisiana	NE	Nebraska	PR	Puerto Rico	WI	Wisconsin
DC	District of Columbia	ME	Maine	NV	Nevada	RI	Rhode Island	WY	Wyoming
FL	Florida	NR	Northern Mariana Islands	NH	New Hampshire	SC	South Carolina		

ALLEGATIONS

- | | | |
|----------------------------------|-----------------------------|-------------------------------------|
| 1 DEATH | 12 HUMAN BITES | 23 LACK OF SUPERVISION/CARETAKER |
| 2 BRAIN DAMAGE/SKULL FRACTURE | 13 SPRAINS/DISLOCATIONS | 24 LACK OF SUPERVISION/NO CARETAKER |
| 3 SUBDURAL HEMOTOMA | 14 TYPING/CLOSE CONFINEMENT | 25 ABANDONMENT |
| 4 INTERNAL INJURIES | 15 DRUG/ALCOHOL ABUSE | 26 INADEQUATE FOOD |
| 5 BURNS SCALDING | 16 TORTURE | 27 INADEQUATE SHELTER |
| 6 POISONING/NOXIOUS SUBSTANCE | 17 MENTAL INJURY | 28 INADEQUATE CLOTHING |
| 7 WOUNDS | 18 VENEREAL DISEASE | 29 MEDICAL NEGLECT |
| 8 MALNUTRITION | 19 SEXUAL INTERCOURSE | 30 EDUCATIONAL NEGLECT |
| 9 BONE FRACTURES | 20 SEXUAL EXPLOITATION | 31 FAILURE TO THRIVE |
| 10 EXCESSIVE CORPORAL PUNISHMENT | 21 SEXUAL MOLESTATION | 32 OTHER NEGLECT |
| 11 CUTS/BRUISES/WELTS | 22 OTHER ABUSE | |

REPORTER SOURCE/CODES

- | | | |
|----------------------|------------------------------------|---|
| MED. | 11 CLINIC OR HOSPITAL PHYSICIAN | 43 PAROLE/PROBATION OFFICER |
| | 12 NURSE (LPN) | 44 POLICE |
| | 13 NURSE (RN) | 45 STATE ATTORNEY |
| | 14 PRIVATE PHYSICIAN | 46 JUVENILE OFFICER |
| | 15 HOSPITAL SOCIAL WORKER | 48 OTHER LAW ENFORCEMENT PERSONNEL |
| | 18 OTHER MEDICAL PERSONNEL | |
| SCHOOL | 21 COUNSELOR | 51 FATHER/FATHER SUBSTITUTE |
| | 22 PRINCIPAL | 52 FRIEND/NEIGHBOR |
| | 23 SCHOOL NURSE | 55 MOTHER/MOTHER SUBSTITUTE |
| | 24 SCHOOL SOCIAL WORKER | 54 RELATIVES OF FAMILY |
| | 25 TEACHER | 55 SIBLING |
| | 26 ASSISTANT PRINCIPAL | 56 VICTIM |
| | 27 TRUANT OFFICER | |
| | 28 OTHER SCHOOL PERSONNEL | 61 CORONER |
| | | 62 MEDICAL EXAMINER |
| SOCIAL AGENCY | 31 DCFS SOCIAL WORKER | 81 CHILD CARE |
| | 32 DEPT. OF CORRECTIONS PERSONNEL | 82 BABYSITTER |
| | 33 DEPT. OF PUBLIC AID PERSONNEL | 83 CHILD DAY CARE/NIGHT CARE CENTER |
| | 34 INSTITUTIONAL STAFF PERSONNEL | 84 CHILD DAY CARE/NIGHT CARE HOME |
| | 35 MENTAL HEALTH PERSONNEL | 85 PRE-SCHOOL/NURSERY SCHOOL |
| | 36 PRIVATE AGENCY SOCIAL WORKER | 86 OTHER CHILD CARE PROVIDER |
| | 37 PSYCHOLOGIST | 87 LANDLORD |
| | 38 OTHER SOCIAL SERVICES PERSONNEL | 91 ANONYMOUS |
| | | 95 OTHER REPORTING SOURCE (not 1 to 91) |
| LAW | 41 COURTS | 99 NOT NOTED BY REPORT TAKER |
| ENF. | 42 EMERGENCY SERVICES PERSONNEL | |

STANDARD ABBREVIATIONS

- about — @
 Address — add.
 and — &
 approximately — approx.
 April — Apr.
 August — Aug.
 brought — brt.
 caseworker — cw
 children — chln.
 child welfare services — CWS
 court — ct.
 December — Dec.
 Dept. of Corrections — DOC
 Dept. of Mental Health — DMH
 Dept. of Public Aid — DPA
 Dept. of Public Health — DPH
 doctor — dr., M.D.
 educable mentally handicapped — EMH
 emergency room — ER
 family — fam.
 February — Feb.
 Friday — Fri.
 hospital — hosp.
 January — Jan.
 Juvenile — juv.
 juvenile court — juv.ct.
 March — Mar.
 maternal grandfather — MGF
 maternal grandmother — MGM
 mentally retarded — MR
 Monday — Mon.
 natural father — NF
 natural mother — NM
 natural parent — NP
 November — Nov.

- October — Oct.
 officer — off.
 often — oft.
 Paternal grandfather — PGF
 paternal grandmother — PGM
 police department — PD
 probation officer — PO
 psychiatrist — PSYC.
 psychologist — psychol.
 putative father — PF
 related — reltd.
 relative — rel.
 reporter states — R.S.
 residence — res.
 Saturday — Sat.
 schizophrenic — schiz.
 September — Sept.
 social worker — SW
 Sudden Infant Death Syndrome — SIDS
 Sunday — Sun.
 supervision — sup.
 that >
 Thursday — Thurs
 trailer — trlr.
 trainable mentally handicapped — TMH
 Tuesday — Tues.
 venereal disease — VD
 Wednesday — Wed.
 with — w/
 without — W/out
 worker — wkr.
 youth officer — yo

CANTS 1
B

<u>FACILITIES CODES (B6)</u>	<u>STAFF REL. CODE</u>	<u>SEX CODES (D4)</u>	<u>ETHNICITY/RACE (D5)</u>
CCI — CHILD CARE INSTITUTION	IN	F — FEMALE	AO ASIAN/ORIENTAL
CWA — CHILD WELFARE AGENCY	OT	M — MALE	BL BLACK
DCC — DAY CARE CENTER	DC	N — NOT RPTD	HA HISPANIC/S. AMERICAN
DCH — DAY CARE HOME	DC		HC HISPANIC/CUBAN
DCC — DEPT. OF CORRECTIONS	IN		HM HISPANIC/MEXICAN
DMH — DEPT. OF MENTAL HEALTH	IN		HP HISPANIC/PUERTO RICAN
FFH — FOSTER FAMILY HOME	FP		HS HISPANIC/SPANISH DESCENT
GH — GROUP HOME	GH		NA AMER. IND./ESKIMO
MC — MATERNITY CENTER	OT		NR NOT REPORTED
NCC — NIGHT CARE CENTER	OT		UK UNKNOWN
NCH — NIGHT CARE HOME	OT		WH WHITE
AH — ADOPTIVE HOME	DT		OT OTHER
SCH — SCHOOL (PUBLIC/PRIVATE)	SC		
OTH — OTHER			

<u>CASE STATUS (D12)</u>	<u>ABUSE/NEGLECT ROLE CODES (E9c)</u>	<u>RELATIONSHIP ENTRY CODES (E9d)</u>
P — PENDING	SA — SUSPECTED ABUSE	AP ADOPTIVE PARENT
I — INDICATED	SN — SUSPECTED NEGLECT	AU AUNT/UNCLE
C — CLOSED	SB — BOTH SUSPECTED	BS BABYSITTER
	NI — NOT INVOLVED	DC DAY CARE STAFF
	UK — UNKNOWN	FP FOSTER PARENT
		GH GROUP HOME STAFF
		GP GRANDPARENT
		IN INSTITUTION STAFF
		NP NATURAL PARENT
		NR NOT REPORTED
		OR OTHERWISE RELATED
		OT OTHER
		PS NON RELATED
		SC SCHOOL STAFF
		SI SIBLING
		SP STEP PARENT

REQUIRED ELEMENTS TO TAKE INITIAL OR SUBSEQUENT ORAL REPORTS

(Block J)

- 1) Subject(s) under 18 years old, i.e., a child
- 2) Subject(s) responsible for the welfare of a child - i.e., caretaker
- 3) Circumstances/Incidents caretaker behavior describing CA/N (child abuse & neglect) entered in narrative (Block H)
- 4) Harm or substantial risk of harm (CA/N role code & Nature of Allegation)

REGION FIELD (C2)

REGION ID #	OFFICE	COUNTY	ID #	REGION ID #	OFFICE	COUNTY	ID #	REGION ID #	OFFICE	COUNTY	ID #
1A Rockford Region				2B Cook County Region				4A East St. Louis Region			
1A03	Freeport Field	Jo Daviess	43		DCP Investigations	Cook	16	4A05	Wood River Field	Bond	03
		Stephenson	89							Clinton	14
1A05	Rockford Field	Winnebago	101	3A Springfield Region						Madison	57
		Boone	4	3A02	Springfield Field	Sangamon	83			Washington	95
1A06	DeKalb Field	DeKalb	19			Christian	11	4A08	East St. Louis Field	Monroe	67
		Ogle	71	3A03	Carlinville Field	Macoupin	56	4A88		Randolph	79
1A07	Rock Falls Field	Carroll	8			Montgomery	68			St. Clair	88
		Lee	52	3A05	Lincoln Field	Mason	60	5A Marion Region			
		Whiteside	98			Menard	65	5A02	Marion Field	Franklin	28
1B Peoria Region				3A20	Quincy Field	Logan	54			Williamson	100
1B04	Macomb Outpost	McDonough	62			Pike	75	5A03	Murphysboro Field	Jackson	39
1B07	Pekin Field	Tazewell	90	3A21	Jacksonville Field	Hancock	34			Peru	73
1B12	Peoria County Intake	Peoria	72			Morgan	69	5A04	Harrisburg Field	Gallatin	30
		Woodford	102	3A23	Jerseyville Field	Scott	85			Hamilton	33
1B17	Canton Outpost	Fulton	29			Calhoun	7			Hardin	35
1B22	Galesburg Field	Knox	48	3A24	Jacksonville Field	Green	31	5A05	Metropolis Field	Saline	82
		Henderson	36			Jersey	42			White	97
		Warren	94			Cass	9			Johnson	44
1B26	Moline Field	Rock Island	81			Schuyler	84			Massac	61
		Mercer	66	3B Champaign Region						Pope	76
		Henry	37	3B02	Champaign Field	Champaign	10	5A06	Cairo Field	Union	91
1B32	Ottawa Field	LaSalle	50			Ford	27			Alexander	2
		Bureau	6	3B03	Danville Field	Vermilion	92	5A21	Salem Field	Pulaski	77
		Marshall	59			Iroquois	38			Clay	13
		Putnam	78	3B04	Charleston Field	Coles	15	5A22	Olney Field	Marion	58
		Stark	87			Cumberland	18			Crawford	17
2A Aurora Region						Edgar	23			Edwards	24
2A02	Aurora Field	Kane	45			Clark	12			Lawrence	51
		Kendall	47			Douglas	21	5A23	Mt. Vernon Field	Richland	80
2A04	Lombard Field	DuPage	22			Shelby	86			Wabash	93
2A20	Joliet Field	Will	99			Moultrie	70	5A24	Elftingham Field	Jefferson	41
		Grundy	32			Macon	55			Wayne	96
2A21	Kankakee Field	Kankakee	46	3B20	Decatur Field	Piatt	74			Effingham	25
2A31	Lake Villa Field	Lake	49			McLean	64			Fayette	26
		McHenry	63	3B21	Bloomington Field	DeWitt	20			Jasper	40
						Livingston	52	9A State Central Register			
								9A01	State Central Register		

ID	COUNTY	REG	OFFICE
1	Adams	3A20	Quincy Field
2	Alexander	5A06	Cairo Field
3	Bond	4A05	Wood River Field
4	Boone	1A05	Rockford Field
5	Brown	3A24	Beardstown Field
6	Bureau	1B32	Ottawa Field
7	Calhoun	3A23	Jerseyville Field
8	Carroll	1A07	Rock Falls Field
9	Cass	3A24	Beardstown Field
10	Champaign	3B02	Champaign Field
11	Christian	3A02	Springfield Field
12	Clark	3B04	Charleston Field
13	Clay	5A21	Salem Field
14	Clinton	4A05	Wood River Field
15	Coles	3B04	Charleston Field
16	Cook	3A00	DCP Investigations
17	Crawford	5A22	Olney Field
18	Cumberland	3B04	Charleston Field
19	DeKalb	1A06	DeKalb Field
20	DeWitt	3B21	Bloomington Field
21	Douglas	3B04	Charleston Field
22	DuPage	2A04	Lombard Field
23	Edgar	3B04	Charleston Field
24	Edward	5A22	Olney Field
25	Effingham	5A24	Effingham Field
26	Fayette	5A24	Effingham Field
27	Ford	3B02	Champaign Field
28	Franklin	5A02	Marion Field
29	Fulton	1B17	Canton Outpost
30	Gallatin	5A04	Harrisburg Field
31	Greene	3A23	Jerseyville Field
32	Grundy	2A20	Joliet Field
33	Hamilton	5A04	Harrisburg Field
34	Hancock	3A20	Quincy Field
35	Hardin	5A04	Harrisburg Field
36	Henderson		
37	Henry	1	Galesburg Field
38	Iroquois	3B03	Moline Field
39	Jackson	5A03	Danville Field
40	Jasper	5A24	Murphysboro Field
41	Jefferson	5A23	Effingham Field
42	Jersey	3A23	Mt. Vernon Field
43	Jo Daviess	1A03	Jerseyville Field
44	Johnson	5A05	Freeport Field
45	Kane	2A02	Metropolis Field
46	Kankakee	2A21	Aurora Field
47	Kendall	2A02	Kankakee Field
48	Knox	1B22	Aurora Field
49	Lake	2A31	Galesburg Field
50	La Salle	1B32	Lake Villa Field
51	Lawrence	5A22	Ottawa Field
52	Lee	1A07	Olney Field
53	Livingston	3B21	Rock Falls Field
54	Logan	3A05	Bloomington Field
55	Macon	3B20	Lincoln Field
56	Macoupin	3A03	Decatur Field
57	Madison	4A05	Carlinville Field
58	Marion	5A21	Wood River Field
59	Marshall	1B32	Salem Field
60	Mason	3A05	Ottawa Field
61	Massac	5A05	Lincoln Field
62	McDonough	1B04	Metropolis Field
63	McHenry	2A31	Macomb Outpost
64	McLean	3B21	Lake Villa Field
65	Menard	3A05	Bloomington Field
66	Mercer	1B26	Lincoln Field
67	Monroe	4A08	Moline Field
68	Montgomery	3A03	East St. Louis Field
69	Morgan	3A21	Carlinville Field
70	Moultrie	3B04	Jacksonville Field
71	Ogle	1A06	Charleston Field
72	Peoria	1B12	
73	Perry	5A03	Delaware Field
74	Piatt	3B20	Pecanfield
75	Pike	3A20	Murphysboro Field
76	Pope	5A05	Decatur Field
77	Pulaski	5A06	Quincy Field
78	Putnam	1B32	Metropolis Field
79	Randolph	4A08	Cairo Field
80	Richland	5A22	Ottawa Field
81	Rock Island	1B26	E. St. Louis Field
82	Saline	5A04	Olney Field
83	Sangamon	3A02	Harrisburg Field
84	Schuyler	3A24	Springfield Field
85	Scott	3A21	Jacksonville Field
86	Shelby	3B04	Jacksonville Field
87	Stark	1B32	Charleston Field
88	St. Clair	4A08	Ottawa Field
89	Stephenson	1A03	E. St. Louis Field
90	Tazewell	1B07	Freeport Field
91	Union	5A06	Pekin Field
92	Vermilion	3B03	Carro Field
93	Wabash	5A22	Danville Field
94	Warren	1B22	Olney Field
95	Washington	4A05	Galesburg Field
96	Wayne	5A23	Wood River Field
97	White	5A04	Metropolis Field
98	Whiteside	1A07	Mt. Vernon Field
99	Will	2A20	Harrisburg Field
100	Williamson	5A02	Rock Falls Field
101	Winnebago	1A05	Joliet Field
102	Woodford	1B12	Marion Field
103	Out of State		Rockford Field
104	Out of County		Peoria Field

The Abused and Neglected Child Reporting Act requires the Department to commence an investigation within 24 hours of receipt of a report. If it appears that the family may flee or the child disappear, the investigation is begun immediately. The Division of Child Protection has a goal of completing investigations within 10 days (1986 Annual Report, 13). In any event, a preliminary report of the investigation is due at the Register within 14 days of the receipt of the complaint. A follow-up disposition report is due within 60 days, although a 30-day extension may be granted in special circumstances (1986 Annual Report, 13). At the end of the additional 30 days, the investigator must classify an "undetermined" report as either "unfounded" or "indicated". Unfounded reports are expunged of identifying information; indicated reports are retained on the register for at least 5 years.

B. Incoming Reports.

In FY 1986 (July 1, 1985 to June 30, 1986), the SCR received 181,548 calls of which 70,422 were reports of suspected child abuse or neglect--a reporting rate of 21.7 child victims per 1,000 children. Most (60%) of the reports of suspected child abuse and neglect in 1986 were made by mandated reporters. Medical personnel made the most (16.5%) reports, followed by social services personnel (15.6%), school personnel (14.2%) and law enforcement agents (12.6%). Reports from relatives, friends, neighbors or victims themselves accounted for the 40% of reports made by non-mandated reporters (1986 Annual Report, 9). Anonymous reports are accepted, but hotline personnel encourage all reporters to leave their name and telephone numbers.

C. Report Information.

The intake report form (CANTS 1) used in Illinois requests the following information:

- o names and addresses of the child and his or her parents or caretaker (residential addresses of the child victims, not the location where the incident occurred);
- o child's age, race and sex;
- o nature and extent of abuse or neglect, including evidence of prior maltreatment of the present victim or his siblings;
- o names of persons responsible for the abuse or neglect;
- o family composition, including names ages, sexes, and races of other children in the home;
- o name, occupation, and telephone number of person making the report;
- o actions taken by reporting source (§ 7.9).

All preliminary investigation reports and final dispositions are recorded on a CANTS 2 form. All CANTS 2 forms must have name, address and disposition fields completed. The forms also are monitored to determine whether (a) the child was seen within 24 hours of the initial report, (b) everyone was interviewed who should have been, and (c) the final disposition was in agreement with the original charges.

D. Case Disposition.

Illinois has three disposition categories: undetermined, unfounded, and indicated. The standard of proof necessary to indicate a report is "credible evidence". Undetermined reports are those in which the investigation could not be initiated or completed because of insufficient information provided to DCFS. Reports can not be classified as undetermined for more than 90 days. After 90 days, they are classified as either unfounded or indicated. Families or the child victims may be offered social services on a voluntary basis even if a report of suspected child abuse or neglect is determined to be unfounded.

Nearly half (48.5%) of the 41,498 family reports of suspected child abuse and neglect were substantiated in 1986. These 20,143 reports involved 33,959 child victims--an average of 1.7 children per indicated report. (1986 Annual Report, 14). The substantiation rate varied by region from 42.9% in Springfield to 52.4% in Chicago.

Mandated reporters had a higher rate of substantiation (58.8%) than did non-mandated reporters (35.1%). Court and law enforcement personnel had the highest substantiation rate (66.5%) of all reporting sources in 1986 (1986 Annual Report, 16).

E. Records Maintenance

1. Retention

Indicated reports remain in the register for five years, unless another report is received involving (a) the same child, (b) a sibling, (c) an offspring, or (d) some other child in the care of the perpetrator in which case the report remains in the register until five years after the subsequent case is closed (§ 7.14). Unfounded reports are expunged weekly. The identifying information is removed from the computer file and all paper files are destroyed (1986 Annual Report, 13). Subjects of unfounded reports who consider themselves victims of false reporting may request that their records not be expunged. These requests must be made in writing within ten days of the abuse/neglect investigation (§ 7.7). Registry personnel recall at least one Sangamon County prosecution for harassment.

2. Security

Call-backs as well as passwords and other computer security devices are used to prevent unauthorized access. Computer terminals are located in a secure room on the third floor of the DCFS building.

III. DUE PROCESS

A. Notification.

Notification letters of the results of child abuse and neglect investigations are computer generated and sent by first class mail to alleged perpetrators, mandated reporters, custodial parents, noncustodial legal parents, personal guardians, and legal custodians. Figure 5 is a prototype of the letter sent to perpetrators whose cases were investigated and found to be "indicated." Approximately one percent of the letters of notification are undeliverable. This centralized system of notification was instituted because of a concern that local offices did not always notify on a regular basis.

B. Procedures.

Within 60 days after notification of the completion of the Child Welfare and Protective Services investigation (determined by the date notification was sent), the subject of a report may request that DCFS amend/expunge identifying information from, or remove the report in the register (§ 7.16). Figure 6 is an example of the form used to request to amend/expunge information. If the Department does not act or refuses to act on the written request within 30 days, the subject has a right to a hearing. The hearing is held "within a reasonable time" after the request, and at a "reasonable" place and time by the Director of DCFS or his designee (§ 7.16). The subject must base his challenge on the grounds that the report is inaccurate or is being maintained in a manner inconsistent to the Abused and Neglected Child Reporting Act. The burden of proof is on DCFS and the relevant Child Protective Service Unit. A court finding of child abuse or neglect is presumptive evidence that the report was not unfounded. The hearing officer must make a decision in



STATE OF ILLINOIS

GORDON JOHNSON
DIRECTOR

DEPARTMENT OF
CHILDREN AND FAMILY SERVICES

406 EAST MONROE
SPRINGFIELD, ILLINOIS 62701-1498

FIGURE 5

INVESTIGATION OF SUSPECTED CHILD ABUSE OR NEGLECT--INDICATED PERPETRATOR
May 22, 1987

Chicago, Il 60661

Dear Ms. :

Re: SCR Case No. ()
Name:

You were previously notified that this Department was investigating a report of suspected child abuse or neglect in fulfillment of its responsibilities under law.

After a thorough evaluation, we have determined the report to be "indicated." This means that credible evidence of child abuse or neglect has been found.

You were identified as a person responsible for the child abuse or neglect. Information on this report will remain in a confidential file in the State Central Register of child abuse and neglect reports.

Access to the register is governed by State law. You may request a copy of the report; however, it will not include the names of any persons who made the report or cooperated in the investigation.

If you think that all or part of the report is inaccurate, you may request that the report be amended or destroyed. The Department has an appeal process which is used to consider such requests. A full explanation of the appeal process will be sent when your request is received. By law, your request must be made within 60 days of the date of this letter.

A request for a copy of the report and/or a request to amend or destroy the report can be made by writing to me at the above address. Please do not call for information as it cannot be released over the phone.

All requests for information should include:

- . Your full name and address, including Zip Code
- . The full name(s) of the child(ren) in the report
- . The SCR case number which appears in the upper right-hand corner of this letter
- . Verification of your identity by a notary public whose seal and signature are attached (to guarantee that information about this report is not released to an unauthorized person).

Sincerely,

Edward E. Cotton, Administrator
State Central Register

003635

REQUEST TO AMEND/EXPUNGE INFORMATION

SCR # _____

YOUR NAME: _____

YOUR ADDRESS: _____

Will you be represented by an attorney? Yes _____ No _____

If yes, name: _____

address: _____

I have received and read the materials contained in the Department's records regarding the child abuse/neglect investigation. I believe the information is inaccurate and should be amended or destroyed for the following reasons:

Give a brief reason:
(include additional pages if you wish) _____

I understand that by signing this form, I am consenting for the Department to review the investigation.

Signed Date

Mail this completed form and any other documentation you wish to be considered to:

Natalie Refine
DCFS, One North Old State Capitol Plaza
Springfield, IL 62706

writing, stating his conclusions and the reasons for reaching them at the close of the hearing or within 30 days of the hearing. Decisions of DCFS are subject to judicial review under the Administrative Review Law (§ 7.16). Subjects of the report are notified of the decision, and the Child Protective Service Unit has the responsibility for amending, purging, or removing identifiers from records received from individuals or agencies.

If review of the DCFS decision is sought, the first level of appeal is to two administrative field workers. About five percent of the cases, usually between 1,400 and 1,500, are appealed at this level. DCFS is upheld in about 70% of these cases.

The second level of appeal is a fair hearing. Approximately a third of the suspected perpetrators who make the first level of appeal request a fair hearing. DCFS is overturned in about a third of these cases. All decisions of DCFS are subject to judicial review under the Administrative Review Law. In the small proportion of cases that go to court (less than one percent of all cases, or about five cases in 1986), DCFS is more likely than not to be overturned. One possible reason for this is that attorneys do not feel comfortable with the 'credible evidence' standard of proof and in fact use the more stringent 'preponderance of evidence' standard to substantiate a case.

IV. RECORDS USAGE

A. Accessibility and Confidentiality

Reports of child abuse and neglect are confidential. The subject of a report is entitled to receive a copy of all information in the central register pertaining to his or her case except data that would

identify a person who, in good faith, made a report or cooperated in a subsequent investigation (§ 7.19). DCFS may obtain a court order to prohibit the release of any information which the court finds likely to be harmful to the subject of a report.

Reports of child abuse and neglect will be released only to authorized persons for the following specified reasons:

- o DCFS staff in furtherance of their duties;
- o law enforcement agencies investigating child abuse or neglect cases or other sexual offenses when a child is alleged to be involved;
- o State Police when administering the provisions of the Intergovernmental Missing Child Recovery Act of 1984;
- o physicians treating a child suspected of being abused or neglected;
- o persons authorized to place children in temporary protective custody;
- o persons that have the legal responsibility to care for, treat, or supervise a child, or parent, guardian or other persons responsible for the child's welfare who are subjects of a report;
- o any subject of a report or the guardian ad litem if the subject is a minor;
- o courts, when access to records are necessary for the determination of issues before the courts;
- o grand juries, when access to records is necessary to conduct their official business;
- o persons authorized by the Director of DCFS for audit or bona fide research purposes;
- o law enforcement agencies, coroners, medical examiners, physicians, courts and child welfare agencies in other states who require information to assist in their assessment or service;
- o directors of state-operated facilities when an employee is a perpetrator in an indicated report;
- o operators of licensed child care facilities when a current or prospective employee is the perpetrator of an indicated report (§ 11.1).

Unauthorized release of information is a Class A misdemeanor (§ 11).

B. Uses of Information

1. Internal Management

Illinois uses registry data for planning, resource allocation, and case management purposes. Illinois is one of few states to also use registry data for performance evaluation. Measures discussed previously, such as elapsed time before a call is answered and elapsed time before a call is abandoned, are used to evaluate staff performance and to set shift schedules. Other reports identify the work of hotline operators, e.g. calls answered, time spent talking, and time spent processing records. The status of child abuse or neglect cases that are provided services is closely monitored.

2. Screening Applicants

People working in day care or child care facilities, people who want to adopt children, and employees of DCFS are checked for prior histories of child abuse or neglect. Since screening of foster homes and day care centers began in 1982, 650 "hits" or matches have been found. Screening of employees of licensed facilities began in 1986, and has resulted in 228 names matched.

3. Research.

DCFS conducts research using registry data. The Annual Report series contains not only a description of the incidence of child abuse and neglect but analysis of causes as well. DCFS also has produced research on child fatalities, and a document, "Guidelines for Differentiating Accidental from Intentional Injuries," for medical professionals. Registry data are available to college and university researchers, but there have been very few requests for these.

4. Diagnosis and Tracking

Illinois was one of the first states to use a risk assessment model during child protective investigations and its model has been adopted by other states. The risk assessment model is based upon questions derived from the scales produced by the Child Welfare League of America and the City of New York intake instrument. Registry personnel say that registry data are used for diagnosis, particularly in cases with physical injuries. Some multidisciplinary teams specialize in case diagnosis. Coroners and medical examiners make use of registry data. Because of the high incidence of "Sudden Infant Death Syndrome" cases in Chicago, teams of nurses use registry data to determine potential abuse.

SCR tracks suspected perpetrators or victims who remain within Illinois. Even people who change their names may be tracked by checking school records for the child victim.

5. Public Education.

Reports of suspected child abuse and neglect increased by 84% in fiscal 1979 as a result of a massive educational campaign to increase awareness of child abuse and neglect. The reporting has now stabilized because the number of children reported may be approaching the actual number of abused or neglected (1986 Annual Report, 5).

Illinois has several prevention programs, including Building Bridges, Parents Too Soon, Ounce of Prevention, and Heart to Heart (See the 1986 Annual Report, 27 for a more complete description of these programs). The Building Bridges program is an effort to get more schools involved in preventing and reporting sexual abuse. The goal is to provide volunteers and child professionals the tools for instructing elementary school children with ways to protect themselves from sexual

victimization. In 1986, DCFS provided training to school personnel on how to use these materials placed in school libraries.

The Parents Too Soon program provides nutrition and support services, as well as educational/vocational services, to adolescents in 28 communities. Heart to Heart provides information and support services to prevent sexual abuse of children of adolescent parents.

V. FUTURE DIRECTIONS

Innovations planned for fiscal 1987 include:

- o establishing a system of microfilming records and microfilming historical records;
- o standardizing case preparation, hearing formats, written reports, and other activities;
- o developing a personality inventory profile of child abusers in group care facilities;
- o conducting additional research on responsiveness of hotline staff, workloads, and performance expectations; and
- o reviewing current standard of evidence use and making recommendations.

Longer term objectives include linking the CANTS system to the larger CYCIS system, establishing a risk assessment data base, and permitting DCP workers on line access to CANTS.

CHAPTER 5

LOUISIANA CENTRAL REGISTRY

I. OVERVIEW

The Louisiana Legislature requires the Department of Health and Human Resources to maintain a central registry of reports of child abuse and neglect. The Legislature defined abuse as "the infliction by a caretaker of physical or mental injury or the causing of the deterioration of a child including but not limited to such means as sexual abuse, sexual exploitation, or the exploitation or overwork of a child to such an extent that his health, moral or emotional well being is endangered" (R.S. 14:403 as amended by House Bill No. 1039, 1987). During an abuse investigation, the DHHR agency is required to take into account mitigating circumstances such as an injury resulting from an accident or the reasonable exercise of discipline. Neglect is defined as "the failure by a caretaker to provide for a child the proper or necessary support or medical, surgical, or any other care necessary for his well-being" (§ 403). Neglect does not include cases in which medical care is withheld for religious reasons.

In 1985, Louisiana's Central Registry was a separate entity of the Department of Health and Human Resources (DHHR); it was housed in a separate building, had its own computer system, and was in the process of implementing a state-wide, centralized intake system for reports of abuse and neglect. In 1986, adequate funding was no longer available to support and upgrade this "stand-alone" Central Registry. As a result, the intake function was returned to the local level and other Registry duties were merged with the general functions of the DHHR computer system. Given its history, the Louisiana Registry serves as a case study

of a registry faced with eliminating and/or changing various registry functions because of a significant reduction state funding.

A. Organization and Personnel

The Central Registry of reported cases of abuse and neglect is maintained by the Programs Bureau within the Division of Children, Youth, and Family Services (see Figure 1). The Registry is accessed at the local level by state-employed, local workers who receive and investigate reports of abuse and neglect in Louisiana's 64 parishes. The State office communicates to the local parish offices primarily through seven regional offices. The State office interprets all policy and makes all programmatic decisions relating to local child abuse and neglect investigations.

Because Registry functions are decentralized, child protection employees who provide direct services work at the local level. The primary employee working in child protection at the State Office is the Child Protection Investigation Program Manager who monitors local investigations of reports of child abuse and neglect.

The Programs Bureau has approximately 40 million dollars for all of its programs (child protection, foster care, adoption, etc.). Because the Central Registry is no longer a separate entity, its budget is not identified within the Programs Bureau budget.

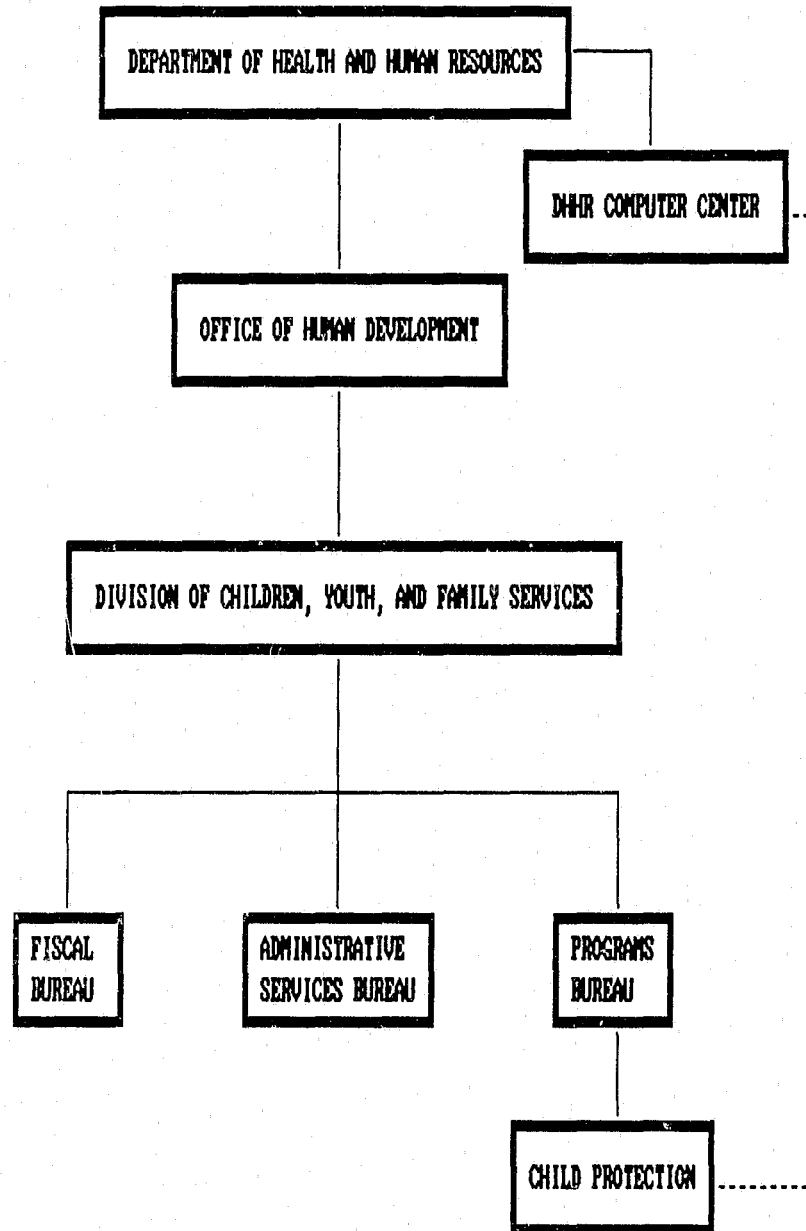
B. Facilities

1. Hotline

In late 1986, plans for a state-wide hotline report intake system were halted when the "stand-alone" State Central Registry was discontinued. No state-wide hotline for reporting cases of suspected abuse and neglect currently exists. All reports are made to local

FIGURE 1

ORGANIZATION CHART



(parish) DHHR offices. The larger metropolitan DHHR offices maintain a 24 hour hotline for receiving child abuse reports.

2. Information Systems

Before the advent of the "stand-alone" State Central Registry, a few data elements on child abuse investigations were kept in the Social Services Management System (SSMS) database. The information was sent to the American Humane Society each year for inclusion in national statistics on child abuse cases, but the data was of little value in monitoring and evaluating child abuse investigations conducted by the local offices.

One of the primary purposes for creating the State Central Registry was to centralize the data collection processes involved in receiving and investigating reports. In June of 1985, a state-wide centralized data collection system was implemented. Staff and computer (a PRIME 2250 eventually upgraded to a 2550) resources, however, were too limited to handle the eventual volume of data entry and processing that the new system required. The system quickly was overwhelmed with data collection forms backlogged for data entry. The State did not have the resources to upgrade the facilities necessary to allow for an efficient operation of the system. Consequently, centralized data collection was discontinued in 1986.

Currently, all data entry and modification is done at the local level. Local DHHR employees enter child abuse report information into the Tracking Information Payments System (TIPS) which is kept on the State's mainframe computer along with other social services information. The advantage for the local worker is immediate access to the database for checking prior reports of abuse and neglect. Information is indexed

by victim, perpetrator, and family, and an internal DHHR number allows a worker to track whether a family has received other DHHR services. An employee who has an appropriate ID also can change and modify information on the system. The disadvantage, however, is the register's limited database. Information is not available on intake reports for 1986. There are no plans to update the database by adding reports from 1985 to 1986 that were maintained on the State Central Register's PRIME computer. Limited information is available, however, in the SSMS database that maintained data elements on child abuse prior to 1986 cases before the State Central Registry took over that function. The SSMS has information on some reports from 1985-1986 as well. During this time, some local workers continued to add information to the SSMS database for their own use because the State Central Registry did not allow local access to its database.

Another disadvantage of the current system is that the State office no longer has the ability to process child abuse data for generating its own reports. All requests for reports and statistical summaries must be funneled through the Information Management Unit to the Data Processing staff in another State office. In addition, some information is no longer collected. For example, the local offices have information on the number of reports that are accepted for investigation, but they do not keep information on the total number of reports that are received.

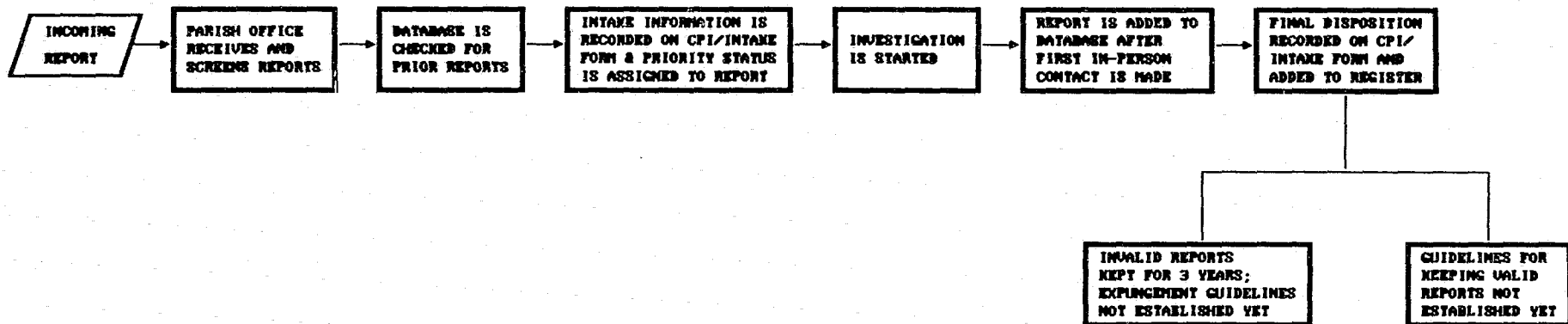
II. CASE PROCESSING

A. General Description

All reports of suspected child abuse and neglect are made to

FIGURE 2

LOUISIANA ABUSE REPORT CASEFLOW



the local DHHR parish office (Figure 2). The intake worker screens incoming reports on three criteria: (a) the alleged victim is under 18 years of age, (b) the alleged perpetrator is a parent or caretaker as defined in R.S. 14:403, and (c) harm or substantial risk of harm is clearly indicated. Any report failing to meet the criteria is reviewed by a supervisor to make sure an investigation is not warranted.

Initial information on a report accepted for investigation is recorded on the Child Protection Investigation/Intake Form (Figure 3). The intake worker also checks the register for any previous reports of abuse and neglect and can determine whether the family is on welfare, receiving food stamps, using foster care, or is enrolled in other DHHR programs. The worker assigns an investigation priority status to each report. For a report given an emergency status, an investigation requires face-to-face contact as soon as possible but no later than 24 hours after the initial report. A high priority report investigation is initiated within 48 hours, and a non-emergency report investigation is initiated within three working days.

Local DHHR workers enter the intake information into TIPS after the investigator has made an initial in-person contact with the alleged victim. Information is updated and modified at any time during the investigation; final disposition information usually is entered within three days of the investigation's findings. All investigations are required to be completed within 60 days of receipt of the report.

B. Incoming Reports

Because the current, parish-based registry was installed only recently, there are no available data yet on numbers of reports received for 1987 or the sources of reports (mandated reporters, nonprofessional

reporters or anonymous reporters). The centralized intake unit of the previous registry received at least 29,000 reports in 1986, and that figure might be the best estimate of reports received. The percentage of calls that are not legitimate reports of abuse or neglect is also impossible to determine because inappropriate or irrelevant reports are screened out at the parish DHHR offices. For example, educational neglect is not investigated because it is no longer required by state law.

C. Report Information

Child Protection Investigation/Intake Form (Figure 3) contains a place for type of report; a narrative description of the incident; base information (name, birthdate, race, sex) on the subjects of the report and other members of the household; addresses; prior reports of abuse or neglect; and name, address, and telephone numbers of source of the report. IS ALL OF THIS INFORMATION INPUT INTO THE REGISTRY?

D. Case Disposition

Social work investigation results in two major determinations: valid or invalid. The measure of proof used to establish valid reports is "some credible evidence." The Manual (PPM 4-535) establishes several other disposition categories:

- a. Terminated after a preliminary investigation
- b. Client noncooperation
- c. Unable to locate

Conditions governing these three additional dispositions direct when they may be used. A supervisor's approval is required.

During 1986, 41 percent of all reported cases were found valid. During 1984, 51 percent of sexual abuse reports were validated.

V. ADDRESS LOCATIONS:

RF	Address Location	Type	Telephone

VI. SOURCE:

CODE	LAST NAME FIRST NAME	AGENCY/ADDRESS	TELEPHONE

VII. PREVIOUS REPORTS OF ABUSE/NEGLECT:

DATE	VICTIM	PERPETRATOR	ALLEGATION	FINDING

VIII. INTAKE RELATED DATA:

1. Allegation Code(s) and Code Name(s): _____

Investigation Level: _____

3. Response Priority: _____

Substantiation rates vary by parish. A state office official suggests that the reason for the variation is the quality of investigations. Parishes with low substantiation rates may not interview enough people to obtain evidence that reaches the level of proof required to substantiate. The state office presses for more thorough investigations and evaluations, not for higher validation rates.

E. Records Maintenance

1. Records Retention

Information on reports of abuse and neglect, regardless of whether the disposition was valid or invalid, currently are retained on the computer and in paper files. As of January 1988, no guidelines had been established for purging and/or expunging reports from the central registry. There is no Louisiana provision concerning the number of years records shall be retained and then expunged, but a study designed to recommend a policy has begun.

2. Security

Access to the central registry database requires knowledge of passwords. a call-back system is used to identify people who request access to registry information. It was not possible during the site visit to assess the security of record information maintained in local offices.

III. DUE PROCESS

A. Notification

There is no state office role in notification. Initially, the local investigator, in initiating the first contact with the alleged child victim's parent/person responsible for care, orally explains the

purpose and legal authority for the investigation (PPM 4-510). The investigation worker informs the parent or person responsible for care of the child of the final disposition. Notice is not given to perpetrators who fail to meet the definition of caretaker. If, for example, the perpetrator is a "boyfriend" of the mother, the mother would receive the results of the investigation, but the perpetrator would not. If the report is valid, the parent or caretaker is advised in-person, whenever possible, of (a) the finding, (b) possible referral to Families Services, and (c) any report to the district attorney. If the report is invalid, the parent or caretaker will be informed by telephone or in-person, as well as by mail using the Notice to Subject Invalid Report (PPM 4-555).

B. Procedures

There is no procedure for amendment, sealing, or expungement of record information. Accordingly, alleged perpetrators are not notified of any right to examine record information or request amendment, sealing, or expungement. Challenges to record information or findings are reviewed by parish office staff members. Any such inquiries received at the state office are sent to the local level to be handled informally. No regulations provide for informal or formal handling of such requests. There is no Fair Hearing procedure. In the past six years, there has been only one request to a Lafayette court to have a name taken off the register, and the request was granted.

IV. RECORDS USAGE

A. Accessibility and Confidentiality

Presently, DHHR provides case information only to mandated reporters working with the child, such as social workers, physicians, or

psychologists. The 1987 statute has directed the DHHR to promulgate rules regarding the maintenance, deletion, and release of information in the central registry. Information is released to registries in other states, after the identity of the person requesting information is verified.

Anonymous complaints are accepted and are assessed and investigated according to the same criteria used with identified reporters. The statute (14:403), nonetheless, requires that a report contain the name and address of the reporter. When a local office has difficulty locating the subjects of the reports, the Manual (PPM 4-510) instructs the investigation worker to recontact the reporter, if the identify is known, to obtain a correct address. Some anonymous reporters are suspected to be mandated reporters who, for some reason, do not want to leave their name. For example, a teacher who is torn between the reporting requirement and a principal's instruction to report through him, may make an anonymous report. The state office opposes any attempt by attorneys to obtain the identity of an anonymous reporter. It may be possible, however, to derive the identity of an anonymous reporter from a witness list for a court proceeding.

The statute (14:403) extends immunity from civil or criminal liability to good faith reporters, but expressly denies immunity to "any person who makes a report known to be false or with reckless disregard for the truth of the report". Further, a person who reports a child as abused or neglected or sexually abused and knows the report is false, is guilty of a misdemeanor.

If a social worker suspects that the caller is making an intentional false report for harassment purposes, the worker advises the

reporter of the possible exemption from the legal immunity granted to good faith reporters (PPM 4-400). Further, a worker's suspicion that a report is intentionally false is grounds for not accepting a report for investigation, providing two prior false reports have been filed. Parish offices have submitted a few cases of intentional false reports to district attorneys for prosecution.

B. Uses of Information

1. Internal Management

Louisiana uses registry data for planning, management, and resource allocation. For example, the number of investigations conducted within the 60 day time limit is monitored. Standard caseloads for investigation staff is 14, but not more than 20 new or subsequent reports per month (PPM-4-300). Parish workers receive a monthly statement showing the status of their cases.

2. Applicant Screening

Applicants who apply to become foster parents or adoptive parents must obtain a state police records check, which includes fingerprint searches. It is believed that at the local office level, staff members check the computerized child abuse and neglect registry for any record information on these applicants.

A 1987 statute provides for a state police criminal records check for child care employees including teachers. Due to a controversy over who should pay the ten dollar fee, implementation of the statute has been deferred.

3. Research

Because of the discontinuity in records, it is not currently possible to conduct longitudinal research. Research requiring

identifying information is discouraged by the confidentiality legislation governing the registry.

4. Diagnosis and Tracking

Registry data currently are not used for diagnostic purposes or to prevent "hospital shopping." The centralized intake system, operating between July 1985 and December 1986, was designed to facilitate tracking, but this system was never implemented fully.

OHD/DCYFS Form 45 (Figure 4) is used to determine risk to children. The form is optional and is completed within 10 days of the receipt of the report of suspected abuse or neglect.

5. Public Education

Education to increase public awareness of child abuse and neglect is a responsibility of state regional and parish offices. It is anticipated that a regular annual report of child abuse and neglect data will be reinstated in the near future.

V. Future Directions

The Louisiana Central Registry experience has implications for other registries undergoing funding crises. In Louisiana, management decided to decentralize intake and focus the quality of information maintained in the central registry. In an era of declining resources, better management of available resources is essential. As noted earlier, studies of expungement and purging policies are being prepared in order to make recommendations to the legislature.

Initial Update

Date _____ Date _____

ABBREVIATED ASSESSMENT OF RISK SUMMARY FACTOR INDEX

CASE NAME: _____ CASE ID #: _____

CPI WORKER'S NAME: _____

FACTORS	LOW RISK		INTERMEDIATE RISK		HIGH RISK		CHILD #1 NAME:		CHILD #2 NAME:		CHILD #3 NAME:		CHILD #4 NAME:	
	1	2	3	4	5	POINT	POINT	POINT	POINT	POINT	POINT	POINT	POINT	POINT
CHILD FACTORS														
1A. Child's Age Physical/Mental Abilities	Adolescent/ Cares for self	Upper Elem/ Requires minimum help	Lower Elem/ Requires more help	Preschool/ Unable to care for self	Infant/ Completely unable to care for self									
1B. Emotional/Social Functioning (Family, School, or Community)	Well adjusted	Has problems	Requires substantial attention	Feeling withdrawn Acting out	Falling/Dys-functional Behavior									
PARENT/PERSON RESPONSIBLE FACTORS														
2A. Level of Cooperation	Aware, Able, Willing	Not aware but willing	Overly compliant	Hostile but will work with agency	Doesn't believe, refuses to cooperate									
2B. Physical/Emotional Abilities and Control	Realistic expectations of child	Unsure how to protect, but able to assist in planning	Poor reasoning/ Physical handicap	Unable to control anger/ Mental illness	Severe mental or physical impairment									
2C. Substance Abuse	Not suspected	Successful treatment	In treatment	Suspected - No treatment	Resistant to treatment									
2D. Family interaction	Meet each other's needs	Depend on others	Communication problems/ Tension	Rarely together/ Depend on children	Meet needs outside/ Spouse abuse/ Unable to resolve									
PERPETRATOR FACTORS														
3A. Rationality of Behavior	Accidental injury/ adequate supervision	Accidental injury/ Lack of supervision	Minor injury/ Excessive corporal discipline	Inappropriate instrument used to harm child	Desire to permanently harm child/ Irrational									
3B. Access to Child	Out of home No access	Out/Access difficult	In/Access difficult	Out/Easy access	In/Complete access									
INCIDENT FACTORS														
4A. Seriousness of injury/Condition	Abuse has no effect on child	Limits normal social activity	Physical injury/No medical attention	Permanent injury or serious injury	Death/Permanent dysfunction/Life threatening									
4B. Location of injury	Bony parts, Knees, Elbows, Buttocks	Extremities, Fleshy part of arms or legs	Torso	Multiple; Torso and extremities	Head, Face, Neck, Genitals, Lower back or Internal									
4C. History of CA/N	NONE	Previous Valid for siblings Level 2 or 3	Previous Valid for this child Level 2 or 3	Previous Valid for siblings Level 1	Previous Valid for this child Level 1 or Multiple 2/3									
4D. Home Conditions	Clean/No Hazards	Dirty, Garbage, Cluttered	Trash and garbage, Animal feces, Mold on dishes	Unsound steps/ Exposed wiring	Structurally unsound, Fire Hazard									
ENVIRONMENTAL FACTORS														
5A. Support Systems	Available and willing	Limited support in community/ Family OK	Family supportive, but not in area	Little family support, No community resources	Isolated									
5B. Stress/Crisis	Stable family Employment	Trouble at work/Change of residence	Pregnancy/ Birth/low income/ Inadequate Home skills	Incarceration of family member/ Divorces	Death of Spouse/ Chase/Spouse abuse/Marital conflict									
						TOTAL								

Risk Category for child # 1 _____ Date _____
 Risk Category for child # 2 _____ Date _____
 Risk Category for child # 3 _____ Date _____
 Risk Category for child # 4 _____ Date _____

CHAPTER 6

NEW HAMPSHIRE CENTRAL REGISTRY

I. OVERVIEW

The New Hampshire Central Registry was selected for a site visit because it is an example of a totally manual operation that does not rely on a telephone "hotline", and because the New Hampshire Supreme Court's Bagley decision has affected not only the operation of New Hampshire's registries but the practices and procedures in other states as well.

New Hampshire's Child Protection Act (RSA 169-C) mandates the New Hampshire Division for Children and Youth Services to "provide protection of children whose life, health or welfare is in danger." Accordingly, the DCYS established a central registry on child abuse and neglect in 1976 (RSA 169-C:35). Abandoned children, sexual, physical, or psychologically abused children, children in imminent danger due to their circumstances or surroundings, and children neglected willfully and neglected by incapacity or incarceration are all conditions to be reported to the central registry.

DCYS identified the prevention of child abuse and neglect as a high priority for 1986 and has established a team of prevention specialists to promote prevention throughout New Hampshire.

A. Organization and Personnel

The New Hampshire Central Registry is located in the Division for Children and Youth Services (DCYS) under the Bureau of Administrative Services of the Department of Health and Human Services. The central registry itself is staffed by one full time person. Support for the operation, however also is furnished by a staff attorney in the legal

affairs office, a policy development supervisor, a fair hearing officer and a technical support person who is developing an automated system for the registry. The registry's estimated budget is between \$30,000 and \$40,000.

B. Facilities

1. Hotline

New Hampshire does not operate a child abuse and neglect hotline as such. Twelve district offices receive and process all complaints. The statewide DHHS "Help Line" can, however, be used for reporting incidents of child abuse and neglect as well as facilitating emergency placements. Callers normally are referred to the district office where the reporter is located and to law enforcement officers after DCYS office hours.

2. Information System

New Hampshire's Central Registry is a statewide index of founded and unfounded reports of alleged child abuse or neglect, combining the individual registers maintained at each DCYS District Office. Registers in district offices contain copies of the Protection Report Form (initial report), the Protection Investigation Form (disposition report), and the narrative and dictation. The narrative is a detailed description of alleged abuse or neglect which accompanies the protection investigation form. The Central Registry contains copies of the same forms as the district offices, but does not have the narrative or dictation. Unlike the district offices however, the central registry contains a perpetrators' file. (DCYS Family Serv. Program Definitions 6037).

The central registry itself consists of three filing cabinets, a log book, and an index card file. Additional recordkeeping includes

annotations in the log book which are used to compile substantiation rates and other data reported weekly, monthly and in the annual report.

II. CASE PROCESSING

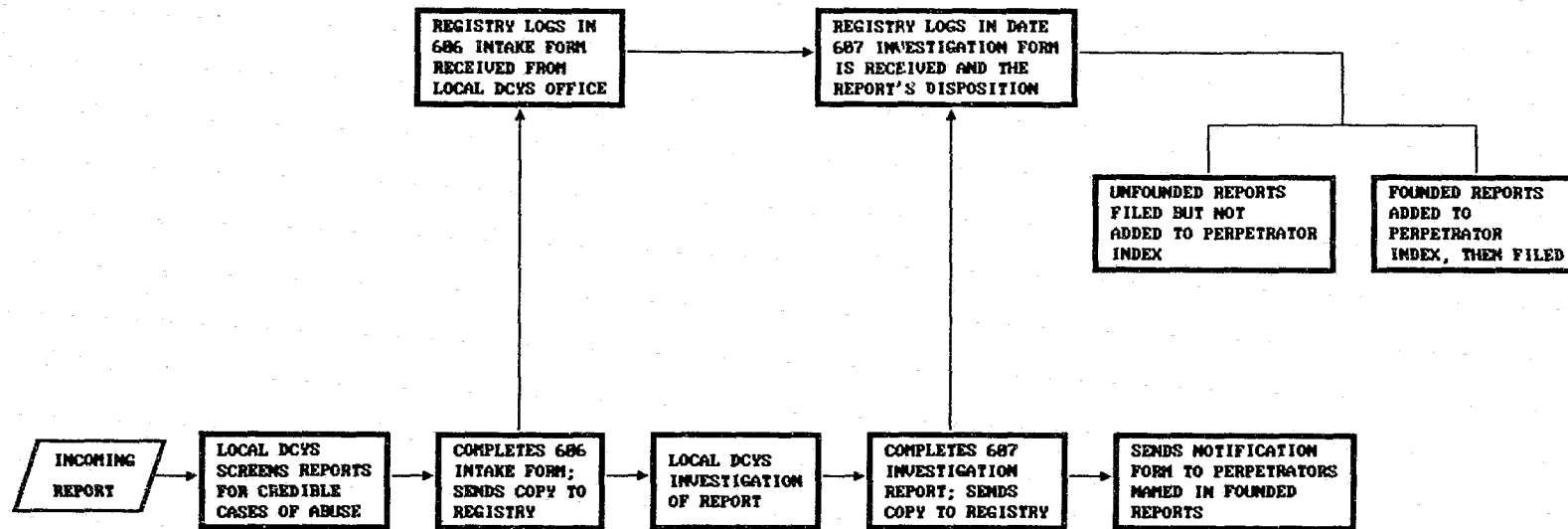
Figure 1 presents the major steps in processing a report of alleged abuse or neglect. Reports of abuse and neglect in New Hampshire must be made directly to one of the twelve district offices in the ten counties in the state. The "intake social worker" screens reports received against specific criteria to determine whether the children are in immediate danger and whether the family should be referred for assessment (DCYS Intake Process Policy 6003.1). Emergency cases must be investigated immediately, and other reports of abuse or neglect investigation must be initiated within 72 hours of receipt of report.

DCYS staff refer to law enforcement instances where the child is the victim of a crime or whenever there is an allegation of sexual molestation, sexual exploitation, intentional physical injury, or non-accidental physical injury. Similarly, law enforcement agencies are instructed to report to DCYS any incident in which the officer has reason to believe that a child has been abused or neglected.

After the report is accepted as a credible child abuse or neglect report by district office staff, the protection report (Form 606) is prepared. Because of this early, informal screening a Form 606 is not filed on every case. This three-part form contains blocks for all of the major elements pertaining to the incident, but there is no space for a narrative summary. When the form is received by the central registry, it is placed in a log book (along with the name of the victim and the date

FIGURE 1

NEW HAMPSHIRE ABUSE REPORT CASEFLOW



the 606 was filed) chronologically by preprinted control number. The forms are then filed by district office by month in alphabetical order by name of alleged victim. District Office staff have 60 days (or longer under certain circumstances, such as when police are involved) to complete a protection investigation form (607). When the protection investigation form is received, the result of the investigation and the date the 607 was received at the central registry is recorded on the log. Even if the investigation is not completed within 60 days, the district office is still expected to file a 607 and then report further progress on a new 607.

Separate statistical logs, constructed from data contained on forms 606 and 607, are kept to provide summary information for annual reports and other statistical purposes.

Unfounded reports are matched with their corresponding form 606 and filed, but not indexed. Founded reports require a letter to be sent by the district office to the alleged perpetrator informing him or her of the right to appeal. If the right to appeal is waived, the records are filed in the central registry. A perpetrators index is constructed at the central registry from data contained on the forms filed (606 and 607). A 3 x 5 index card is prepared for each perpetrator. The index card includes the perpetrator's name, district office number, date of birth, date of report, medicaid number (if known), and date index card was prepared.

All cases of child abuse and neglect which result in serious bodily injury or sexual abuse must be referred to the attorney general or county attorney for possible criminal prosecution. Other cases may be

referred for prosecution or to district court at the discretion of the Bureau of Children (RSA 169-C:38;C:7).

B. Incoming Reports

DCYS received 3,902 reports of suspected child abuse and neglect in 1986. This was down slightly from the high of 3,995 in 1984, but a great increase from the 833 cases reported in 1976. Virtually all reports are received by mail on Form 606 from the 12 district offices. Failure to report a suspected case of child abuse or neglect is a misdemeanor (RSA 169:C:39). Reporters of alleged abuse or neglect are protected from liability if the report was made in good faith (RSA 169-C:31).

The majority of reports come from professional people. In 1985, for example, school personnel (21%), law enforcement personnel (11%), medical personnel (9%), and other community agencies (12%) accounted for 51% of the total reports. Families of relatives (16%) and friends or neighbors (12%) constituted the largest proportion of non-professional reporters. Other reporters included: self-reports, day care personnel, court/probation, law enforcement agencies, clergy, landlords, other states, etc. Although sources are encouraged to give their names, anonymous reports are accepted and 7% of the total reports made in 1985 were made by anonymous sources.

C. Report Information.

Figure 2 shows the information kept on the intake form 606. The following data elements are requested on child victims: name, age, race/ethnic background, responsible caretakers, relationship to perpetrator, name of siblings, and previous protection involvement.

NEW HAMPSHIRE DIVISION OF WELFARE
 SOCIAL SERVICES INFORMATION SYSTEM
— PROTECTION REPORT FORM —

606 PAGE 1
 9/80
 SR 80-98YC

LOCATION
 ADULT
 CHILD

REPORT DATE
 / /

REPORT TIME
 AM
 PM

WRITTEN REPORT YES
 REQUESTED BY D.O. STAFF NO

TRICE
 TOWN

ALLEGED VICTIMS OR OTHER HOUSE MEMBERS	NAME —	LAST	FIRST	MI	Role	Race	Sex	Age	pr	Birth Date	HOUSEHOLD COMPOSITION		TYPE REPORT		ADULTS ONLY TYPE IMPAIRMENT	
	1											1 LIVES WITH SPOUSE	1 ABUSE	1 PHYSICAL		
	2										2 INSTITUTION	2 NEGLECT	2 EMOTIONAL			
	3										3 LIVING ALONE	3 EXPLOITATION	3 MENTAL			
	4										4 SINGLE PARENT	4 HAZARDOUS LIVING	4 ENVIRONMENTAL			
	5										5 TWO PARENTS		5 UNKNOWN			
6											6 OTHER (Specify)					

CODE VALUES				RELATIONSHIP	
ROLE	V-Victim	P-Alleged Perpetrator	N-Not Involved	B Babysitter	M Mother in Home
SEX	1-Male	2-Female	3-Unknown	C Child of Victim	MA Mother Absent From Home
				CA Caretaker	N Neighbor
				CO Conservator	NO No Relation
				D Day Care Pers	O Other
				F Father in Home	PP Parents/Paranorm
				FA Father Absent From Home	R Relative
				FP Foster Parent	S Sibling
				G Guardian	SH Shared Home Spouse
				GP Grandparent	SL Self
				I Institution Staff	SP Step parent
					T Teacher

STREET	CITY	STATE	ZIP CODE	TELEPHONE NO.
1				

ALLEGED PERPETRATORS/PARENTS/CARETAKERS	NAME —	LAST	FIRST	MI	Role	Race	Sex	Age	RELATIONSHIP	TELEPHONE NO.
	1									
	2									
	3									
4										

STREET	CITY	STATE	ZIP CODE	OTHER PHONE
1				
2				
3				
4				

NAME OF PERSON MAKING THIS REPORT	REF
STREET	
CITY	STATE
TELEPHONE NO.	HOSPITAL/AGENCY/INSTITUTION
Is the Individual/Family Aware of the Referral/Report? <input type="checkbox"/> YES <input type="checkbox"/> NO	
Is the reporting person willing to let his/her name be used? <input type="checkbox"/> YES <input type="checkbox"/> NO	
Source of Complainant's Information.	
<input type="checkbox"/> DIRECT OBSERVATION	
<input type="checkbox"/> OTHER (SPECIFY)	

SOURCES OF THIS REPORT			
1 Anonymous	8 Code Enforcement	15 Mental Health Agency	19 Other Community Agency
2 Victim	9 Physician	16 Alcohol & Drug Agency/ Organization	20 Utility Companies
3 Self Referral	10 Hospital Staff	17 Community Information & Referral Agency	21 Coroner/Medical Examiner
4 Family/Relative	11 Nurse	18 City, Town, County Welfare Department	22 Division of Welfare Employee
5 Neighbor/Friend	12 Clergy		23 Other State
6 Court/Probation	13 School Staff		24 Licensed or Certified Institution
7 Law Enforce (Police/Sheriff)	14 Adult/Child Care Staff		25 Other

ADDITIONAL INFORMATION					
INCIDENT DATE	INCIDENT TIME	HOSPITALIZATION REQUIRED: <input type="checkbox"/> NO	Additional Available Information:	Estimated Duration of Situation:	Police Report Filed: <input type="checkbox"/> YES <input type="checkbox"/> NO Date:
/ /	AM PM	<input type="checkbox"/> Emerg Rm. <input type="checkbox"/> Under 1 week <input type="checkbox"/> 1-2 weeks <input type="checkbox"/> Over 2 weeks	<input type="checkbox"/> Medical Exam <input type="checkbox"/> Photographs <input type="checkbox"/> x-ray <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Under 1 week <input type="checkbox"/> 1-4 weeks <input type="checkbox"/> 1-6 months <input type="checkbox"/> Over 6 months	To Whom:

FOR DOW USE ONLY						
PREVIOUS PROTECTION INVOLVEMENT: <input type="checkbox"/> Yes <input type="checkbox"/> No	Control Number	EMS CASE NO.	Service Case Program Status: <input type="checkbox"/> Active <input type="checkbox"/> Inactive	OTHER CASE PROGRAM STATUS: <input type="checkbox"/> Active <input type="checkbox"/> Inactive	SIGNATURE OF PERSON COMPLETING THIS FORM	TITLE WORKER ID.
	42137					
						DATE COMPLETED

FIGURE 2

Figure 3 is the protection investigation report, form 607, which contains case disposition, background variables on alleged perpetrators/parents/caretakers, and family stress factors. Central registry staff review reports only for completeness and other clerical imperfections and do not monitor the conduct of the local investigation.

D. Case Disposition

As noted above, the district office has 60 days to investigate a report of suspected child abuse or neglect and file the protection investigation form. Central registry staff send reminders on all reports outstanding for more than 60 days. As noted, it is permissible to file an incomplete investigation report within sixty days and then follow up with a new form 607 once the investigation is complete.

In order for a case to be maintained as "founded" in the New Hampshire Central Registry, there must be "probable cause to believe that any child in the family is abused or neglected" (R.S.A. 169-C:3.) Neglected child means a child "without proper parental care . . . necessary for his physical, mental or emotional health, when it is established that his health has suffered or is very likely to suffer serious impairment." (R.S.A. 169-C:3(xix)). Exceptions to this definition include a financial means exemption and a parental religious belief exemption. (R.S.A. 169-C:3(xix)). Probable cause is defined as "facts and circumstances based upon accurate and reliable information, including hearsay, that would justify a reasonable person to believe that a child is subject to a report . . . is abused or neglected." (R.S.A. 169-C:3(xxiii)). By a 1985 amendment, "founded reports" are maintained for 7 years and "unfounded reports" for 3 years. (R.S.A., Supp. 1985-169-C:35).

Of the 3765 abuse and neglect reports made in 1985, 1707 (45%) were founded, 1045 (28%) were unfounded, 762 (20%) were unfounded/at risk, and 251 (7%) were pending. As discussed, a 65% substantiation rate is reached by combining "founded" and "at risk" by the statutory definition as well as by the number of cases in which services are offered. The substantiation rate for sexual abuse cases (68%) was higher than the substantiation rate for other types of child abuse and neglect cases. Substantiation rates are relatively consistent among the 12 districts varying between 33% and 51% in 1985 (1985 Annual Report, 6).

Given the New Hampshire definition of neglect as "very likely to suffer serious impairment," it is important to note that a large number of cases are considered as both "at risk" and simultaneously "unfounded". Families in such situations are offered services, and if these cases were added to the "founded" total, the substantiation rate in New Hampshire would rise from 45% to 65% of reported cases.

E. Records Maintenance

1. Retention

District offices may submit updated or amended data to the central registry. Reports are expunged as the result of the fair hearing procedure. New Hampshire estimates that less than 1% of its reports are amended or expunged each year and that it takes between one and three days to amend or expunge records. Both the amended and original information is retained on the central registry.

New Hampshire statutes specify retention requirements. Founded reports are retained for 7 years and unfounded reports for 3 years (RSA 169-C:35). To date, no records have been expunged from the central registry, but there are plans to follow the retention schedule

when the registry office moves to a new location in the building. There is no procedure in effect for expungement of a record subsequent to an appeal. Local division offices have their own expungement policies.

2. Security

New Hampshire's central registry records are protected from unauthorized access by being kept in a locked file, but are not secured in a special room. Access control is strictly maintained by the full-time staff person in charge of the registry records. The child abuse and neglect reports maintained at the district offices are likewise considered confidential and appropriate measures are assumed to be in place to safeguard them in these offices. Both the Protection Report Form and the Protection Investigation Form are batched separately from other mail and marked "confidential" when routed within the district office and between the district and the state office (Instructions to the Protection Report Form).

Only two complaints of unauthorized disclosure, one by police and one by an attorney, could be remembered. There was no criminal indictment or civil suit in either case, and the reality of the complaints could not be ascertained.

III. DUE PROCESS

A. Notification

New Hampshire's written notification system was initiated in response to Petition of Lana and Leon Bagley, a 1986 New Hampshire Supreme Court case. In Bagley, parents who were subjects of a founded report of neglect and placed on New Hampshire's central registry

successfully challenged the DCYS procedures because they were not notified of the particulars of the charge against them and had no statutorily guaranteed appeal. The Supreme Court ruled that DCYS "must provide written notice to the person determined to be the perpetrator of the incident of abuse or neglect. The notice must set forth the nature of the report and give reasons underlying the determination" (PD 86-21). DCYS sends a form letter (Figure 4, DCYS Form 280) to perpetrators indicating that there is reason to believe that an offense did occur and the reasons for the finding. The letter also alerts perpetrators to their right to access information contained in DCYS files and their right to an administrative hearing to challenge the determination. Notification must be sent certified mail, address only, return receipt requested.

B. Procedures

Once a request to appeal has been filed, a pre-hearing conference is held to attempt to resolve the appeal before the fair hearing occurs. Both the pre-hearing conference and the fair hearing must occur within 30 days. An additional 30 days are allowed for the decision to be reached. The findings of each of these procedures is reported to the central registry. Only after the fair hearing confirms the finding, is the individual's name put on the perpetrator index.

Form 280 contains a tear-off portion which enables the perpetrator to initiate the fair hearing process. This sheet, which includes a brief written summary of why the alleged perpetrator is not responsible for the alleged abuse or neglect, must be returned to the District Office Supervisor within 14 days of receipt of the letter. When the District Office Supervisor receives both the mail receipt and the



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION FOR CHILDREN AND YOUTH SERVICES
6 Hazen Drive
Concord, NH 03301-6522

M. Mary Mongan, Commissioner
David A. Bundy, Director
603 - 271-4451

Date:

Dear

On _____, we received a report alleging that _____
 abused and/or neglected _____ minor _____ male, _____ female child(ren) in
_____ on or about _____. The report alleged
that _____ did

As mandated by RSA 169-C:34, II, our agency has conducted an investigation, and has
determined that the report is founded, problem resolved or founded, case
opened. This means that we have decided there is reason to believe that
_____ did abuse and/or neglect the child(ren).
The reasons for this finding are

In accordance with RSA 169-C:35, _____ may be
entered into the Division for Children and Youth Services (DCYS) Central
Registry. This is a file of all individuals who have founded reports of child
abuse or neglect. Once entered into the Central Registry, the report will remain
on file for a minimum of seven years and may then be removed.

Anyone who has a founded report in the Central Registry may be denied a license
to provide child day care or foster family care, and may be denied employment in
group care facility/institution or other related services to children. Under
RSA 169-C:38 and RSA 170-E:4, New Hampshire law enforcement and the New Hampshire
Department of Public Health have the right to obtain information from the
Registry.

On written request, you or your legal representative may obtain copies of written material which may be placed in the Central Registry. This material will be provided to you within the guidelines of the Safeguarding Information rule He-C 6407.08 (b).

If you do not agree with the finding of abuse or neglect, you have the right to a Fair Hearing. In order to ask for a fair hearing, complete the tear-off form below and send it to the District Office Supervisor within 14 calendar days of the receipt of this letter. If this is not done, you may forfeit your right to a hearing.

When the Fair Hearings Officer receives your request, a date for the hearing will be set and the District Office Supervisor will be informed. To preserve your right to appeal, you must attend a Pre-Hearing Conference.

The Supervisor will contact you to schedule the Pre-Hearing Conference. The Pre-Hearing Conference's purpose is to discuss your case and your concerns in the hope that a Fair Hearing will not be necessary. You may bring someone to represent you at the conference.

If the Pre-Hearing Conference fails to resolve your concerns, the Fair Hearing will take place as scheduled. At the hearing, you may speak for yourself or have someone else represent you, including a lawyer. However, DCYS cannot pay for your legal fees.

If you have any questions about the contents of this letter, please feel free to contact me at _____.

Sincerely,

DCYS Social Worker and DCYS Supervisor
Office Address:

District Office _____

I wish to appeal the finding of abuse or neglect and I request a fair hearing. The reasons I feel I was not responsible for the abuse or neglect report is/are

Date: _____ Signature: _____

(print clearly) Name: _____

Address: _____

Telephone Number: _____

Return this form to the DCYS Supervisor at the District Office address shown above.

returned, date stamped tear-off sheet, he must forward these to the Fair Hearings Officer within 4 days.

The suspected perpetrator is entitled to file a written statement of disagreement which becomes part of the case file (N.H. Admin. Rules HE-C 6407.09, subsequently cited as § 6407.09).

The impact of these new procedures is still to be determined. Currently, there are rules in the drafting stage to follow-up on policy 86-21, dated 15 October 1986, which involves the procedures for the fair hearing process. If recent experience indicates what lies ahead, most cases will be disposed of prior to going to the fair hearing. Normally, once the evidence is presented at the pre-hearing, the perpetrator does not pursue the matter further. The most recent statistics show that as of early May 1987, 77 cases had been appealed, 63 were concluded and 14 remained open. Initial administrative review overturned nine (14%) of the cases and ten were overturned at pre-hearing conferences. Twenty cases (32%) were withdrawn (11 after the pre-hearing conference) and 16 were abandoned.

IV. RECORDS USAGE

A. Accessibility and Confidentiality

Requests for information must be made in writing and are answered by mail (District Office staff may initially make a telephone inquiry but it must be followed with a written request.) Major consumers of registry data are law enforcement agencies, Department of Public Health, the adoptions unit, public health licensing office, and foster care and child placing agencies' licensing departments. The purpose of

the request must be specified and the ultimate use to which the information is put, must be provided (§ 6 6407.06).

Access to records is limited to "material essential to carrying out the official functions of DCYS or the agency requesting access" (Admin. Rules, HE-C 6407.03). Confidential information about a client may be released to law enforcement agencies when a threat of serious bodily injury has been made to a DCYS employee (§ 6407.02).

Even court orders for information are not automatically followed without some scrutiny. The court order must specify the individual whose records are sought and the type of information sought. In addition, DCYS requires a legal review of all court orders which require release of confidential or restricted information. On advice of counsel, DCYS may challenge a court order if "its intended use is not related to Program Administration or Program Enforcement, and/or when the release of information would be an invasion of privacy" (§ 6407.06).

Grand Jury requests also require a court order and consent by counsel before DCYS will release information. A Grand Jury request is necessary before records will be released to investigate allegations of welfare fraud (§ 6407.06).

Researchers desiring registry information must file a written request detailing their method of distributing DCYS information, their collection and method of release, and their plans for disposal of the information when the project is completed. No information will be released to researchers without the Director's approval (§ 6407.06).

Confidential information may be released to the casehead (casehead is child, parent, adoptive parent, or foster parent about whom

a file has been established) or his/her legal representative, however confidential information about a third party may not be released to either the casehead or his legal representative unless the third party has authorized the release in writing or a court orders its release to the court (§ 6407.07). If the court orders that the report be released, DCYS personnel are instructed to remove the name of the reporter(s) and anyone else who assisted in the investigation. If the perpetrator is not a relative of the victim, the victim's identity also is removed before the information is released (§ 6407.08).

B. Uses of Information

1. Internal Management

New Hampshire uses registry data for planning, management, and allocating resources.

2. Screening Applicants

New Hampshire screens applicants for day care or foster care positions and prospective adoptive parents. In 1986, the central registry had 5,312 requests from the Bureau of Child Care Standards of Licensing, 987 requests from District Offices, 517 requests from other licensing agencies, 62 out-of-state requests, and 61 adoption searches. There were 366 requests to screen applicants, which yielded 167 possible matches, i.e. names similar to that of the applicant were revealed. Only nine of these, about 2 percent, were actual matches or "hits".

New Hampshire limits the authority to disclose information to designated District Office Supervisors, Bureau Administrators, and other State Office personnel designated by the Director of DCYS (§ 6407.04)

Information can be disclosed only to other agencies when it is in the best interest of the client, or when the other social service agency has an exchange of information agreement with DCYS. Information can be provided to out-of-state agencies only on a need to know basis (§ 6407.05).

The penalty for unauthorized disclosure of registry information is a misdemeanor. (RSA 169-C:39) Registry staff saw no problem of unauthorized disclosure but the Office of Legal Affairs received two complaints--one a police officer and one a county attorney.

3. Research

DCYS issues an annual report whose stated purpose is to "provide New Hampshire citizens with information regarding this serious social problem, in order to promote public awareness of the issue and to foster a renewed commitment to work towards the amelioration and/or prevention of child abuse and neglect in this state." (1985 Annual Report, 1) The annual report is intended to be useful to concerned citizens, social service agencies and practitioners, and the Division for Children and Youth Services in: 1) improving current services to abused and neglected children and their families; 2) developing additional programs and services to meet identified needs of this population; and 3) aiding in research efforts relative to the issues of child abuse and neglect.

Coordination with the University of New Hampshire in preparing reports such as David Moore and Murray Straus' "Violence of Parents Toward Their Children" indicates an interest in research. The

report, however, was based upon a telephone survey, not upon registry data.

4. Diagnosis

Registry data is not used for medical diagnostic purposes or to prevent "hospital shopping" because files are not kept by victims' names. The number of child deaths is unknown because non-medical pathologists are not required to report. There is no standard death review committee. New Hampshire has a risk assessment program called "Initial Assessment of Abuse and Neglect Reports."

5. Public Education

In addition to the annual report, the DCYS distributes literature on the topic of child abuse and neglect and how to report it. A Task Force on child abuse and neglect was founded by members of various professions, concerned citizens, and parents in 1974 to improve methods for preventing and reducing child abuse in New Hampshire. The Task Force, incorporated as a non-profit corporation, sponsors a speaker's bureau, a library of films and printed materials, and a direct service program of parent aid called "Volunteers in Protective Services."

New Hampshire's Parents Anonymous provides direct self-help groups for parents under stress throughout the state. Parents Anonymous sponsors public service announcements on radio and television, a quarterly newsletter titled Focus, a speaker's bureau, and provides brochures on parent/child topics. Several communities have organized local child abuse and neglect teams of professionals and concerned citizens. The teams, including one hospital based assessment team, deal with treatment issues and coordinate the efforts of the many agencies involved.

V. FUTURE DIRECTIONS

A DCYS central registry committee has been established to consider problems associated with the use of central registry data. The Committee is addressing questions such as: How should data be used? Who should have access? How should juvenile perpetrators be counted? There are also several court cases in process which may change certain procedures currently in use by the central registry system in New Hampshire.

The central registry is moving its offices to better facilities and actively developing an automated system which promises to be more responsive to the need for information. Because files are organized by family, not child victim, it is sometimes difficult to retrieve information on victims, since a child may have a different name than his parent or guardian.

CHAPTER 7

PENNSYLVANIA ABUSE REGISTRY

I. OVERVIEW

The Child Protective Services Law (CPSL) was enacted by the Pennsylvania General Assembly in 1975 and amended in 1982, 1983, 1984, and 1985. It defines child abuse as "serious physical or mental injury which is not explained by the available medical history as being accidental, or sexual abuse or sexual exploitation, or serious physical neglect, of a child under 18 years of age, if the injury, abuse or neglect has been caused by the acts or omissions of the child's parents or by a person responsible for the child's welfare, or any individual residing in the same house as the child, or a paramour of a child's parents . . ." (PA. Stat. Ann. Tit. 11, § 2203 unless otherwise noted all references are to Pennsylvania Statutes annotated, 1985).

This definition is a distinctive characteristic of the Pennsylvania registry. A report of child abuse is substantiated only if the child has been seriously injured. This narrow approach to child abuse is reflected in other sections of the statute as well. The purpose clause provides that "nothing in this act shall be construed to restrict the generally recognized existing rights of parents to use reasonable supervision and control when raising their children" (Tit. 11 § 2202). The statute also provides that "no child shall be deemed to be physically or mentally abused . . . solely on the grounds of environmental factors which are beyond the control of the person responsible for the child's welfare such as inadequate housing, furnishings, income, clothing, and medical care" (Tit. 11, § 2203).

The advantage of Pennsylvania's narrow definition of child abuse is that it allows the local Child Protective Services (CPS) agencies to allocate

their limited resources to the more serious cases. (It should be noted that Pennsylvania provides services to an estimated 40,000 children annually under broader definitions of neglect and dependency set forth in the Public Welfare Code.) However, the definition has been criticized for being too narrow (Attorney General's Family Violence Task Force, 1987:21-22), and its limited scope has prevented Pennsylvania from receiving federal reimbursement under the Child Abuse Prevention and Treatment Act of 1974 (42 U.S.C. § 5101-5107).

The statutory definitions of child abuse impact the operation of ChildLine, Pennsylvania's central registry for child abuse. Fewer reports of suspected child abuse are made in Pennsylvania than in any other state: 6.9 reports per thousand children (Child Abuse Report, 1986:3). ChildLine strictly interprets the CPSL with regard to policies and procedures. All ChildLine forms reflect only what is allowable by law; no additional information is collected.

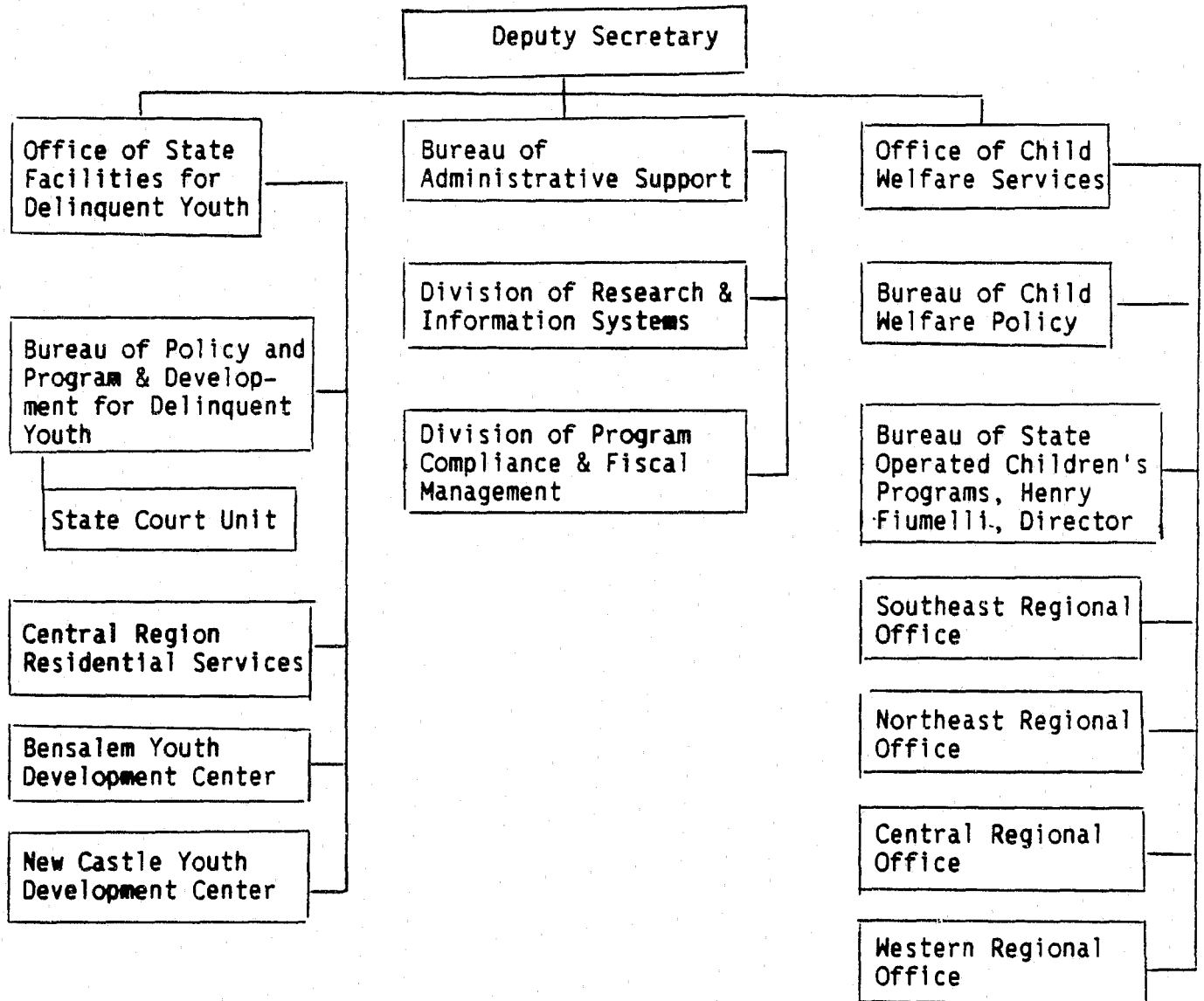
A. Organization and Personnel

The General Assembly mandated the Department of Public Welfare to carry out the provisions of the CPSL. ChildLine is operated by the Bureau of State Operated Children's Programs which is part of the Office of Children, Youth and Families (OCYF) within the Department of Public Welfare (see Figure 1). OCYF, through its four regional offices (Harrisburg, Philadelphia, Pittsburgh, and Scranton), monitors Pennsylvania's 67 counties with regard to CPSL compliance. Investigations of child abuse are conducted at the local level.

The ChildLine and Abuse Registry employs 24 full-time equivalent (FTE) professional staff and 23 FTE administrative staff. Professional personnel work one of two day shifts, an evening shift, or a midnight shift.

Figure 1

Department of Public Welfare
Office of Children, Youth and Families



Two part-time caseworkers work on weekends and holidays. Shifts overlap during hours of peak reporting activity. Administrative staff may work a day or evening shift.

In 1986, ChildLine was operated with Federal funds under Title IV-B of the Social Security Act. Expenditures for ChildLine and Act 33 (applicant screening for prospective child care employees) during 1986 were \$1,196,400.

B. Facilities

1. Hotline

The Registry operates a statewide hotline, called ChildLine, 24 hours a day (55 Pa. Admin. Code § 3490.31). Approximately 50% of child abuse reports are initially received at ChildLine and 50% at the local CPS. ChildLine facilities include three telephone lines and a call sequencer that informs callers that someone will be with them as soon as possible. The Dacon ACS-85 sequencer was added in 1986 after a study indicated that 50% to 60% of the calls made to ChildLine reached a busy signal or a recorded message. The sequencer monitors all incoming calls and generates periodic summary reports on hotline activities including the number of calls waiting longer than 2 minutes (see Figure 2). A separate hotline for the hearing impaired also was added to ChildLine in 1986, but rarely is used by reporters to make child abuse reports. Another separate Hotline is reserved to accept calls from a selected group of larger CPS agencies. A performance standard requires that the Hotline may be answered within four rings.

2. Information Systems

The Department of Public Welfare has two Sperry (now UNISYS) 1100-series mainframe computers for information processing. All ChildLine terminals are hard-wired to the mainframes; there are no remote access terminals throughout the regions. The ChildLine and Abuse Registry has 21

DACON ACS-85 CALL SEQUENCER
 LEVEL 3 MANAGEMENT DATA REPORT

MANUAL CUMULATIVE REPORT. DATE: THU. 21 MAY 87 TIME: 15:06
 CUMULATIVE DATA LAST CLEARED: DATE: MON. 1 JAN. 81 TIME: 00:00
 PRESENT SYSTEM MODE: NORMAL SEQUENCING

CALL ACTIVITY FOR GATE 1 : TYPE OF GATE: TRUNKS / LINES PRESENT GATE MODE: NORMAL SEQUENCING.

LINE NO.	CUSTOM NO.	LINE MODE	PRESENT STATE	OFFERED CALLS	TERMINATED RINGING	SEQUENCED CALLS	ABANDONED CALLS	COMPLETED CALLS	OUTGOING CALLS	WAIT TIME INCOMING (Minutes)	TALK TIME INCOMING (Minutes)	TOTAL TIME INCOMING (Minutes)	TALK TIME OUTGOING (Minutes)
1	1	ON	TALK IN	32	0	0	0	32	0	4.2	193.9	195.1	
2	2	ON	ON HOOK	26	0	0	0	26	0	4.0	114.2	118.2	
3	3	ON	ON HOOK	17	0	0	0	17	0	1.8	99.1	99.9	
TOTALS:				75	0	0	0	75	0	10.0	403.2	413.2	.0

CALLS WAITING LONGER THAN THRESHOLD TIME (120 Sec.): 0
 PERCENTAGE OF CALLS EXCEEDING THRESHOLD: 0
 AVERAGE HOLD TIME FOR COMPLETED CALLS (SECONDS): 6
 AVERAGE HOLD TIME FOR ABANDONED CALLS (SECONDS): 0
 PERCENTAGE OF CALLS ABANDONED: 0
 PERCENTAGE OF CALLS COMPLETED: 100
 PERCENTAGE OF CALLS SEQUENCED: 0
 AVERAGE INCOMING TALK TIME (MINUTES): 5.4
 AVERAGE OUTGOING TALK TIME (MINUTES): .0
 NUMBER OF OCCURRENCES ALL TRUNKS BUSY: 35
 TOTAL TIME ALL TRUNKS BUSY (MINUTES): 75.7

HOLD TIME DATA:

SECONDS	ABANDONED CALLS	COMPLETED CALLS
0 - 10	0	41
11 - 20	0	4
21 - 30	0	0
31 - 40	0	0
41 - 50	0	0
51 - 60	0	0
61 - 90	0	0
91 - 120	0	0
121 - 150	0	0
151 - 180	0	0
181 - 240	0	0
241 - 300	0	0
301 - 360	0	0
361 - 420	0	0
421 - 480	0	0
481 - UP	0	0

Sperry UTS terminals for accessing mainframe files: 6 for ChildLine caseworkers, 7 for Act 33 screenings, and 8 for clerical staff. Hard copies and tape backups are available in the event of a systems failure. Auxiliary power also is available, though a limited amount of information usually is lost between the time the system goes down and the generator provides backup power.

ChildLine maintains three separate files of information: (1) a pending complaint file of reports under investigation or pending court action and unfounded reports awaiting expungement, (2) the central register of files of all substantiated cases, and (3) a research and statistical file of all reports ever made, purged of identifying information. ChildLine's information is not integrated with other OCYF social services information; however, ChildLine staff can access the public assistance database to check on an individual's social security number. ChildLine has a high priority among social service agencies for accessing computer time.

The ChildLine information system was developed by programmers from the Office of Information Systems (OIS) within the Department of Public Welfare. When the system needs modifications, ChildLine asks OIS to write the program changes. Recently, for example, OIS modified the system to automatically update all listings of the same information within a record. Prior to the modification, the same information had to be updated in several different places within the system; this increased the likelihood of discrepancies.

ChildLine has a set of standard analytical programs that are run periodically. Any additional runs that are needed must be written by an OIS programmer. Most of the programs are written with Sperry's MAPPER utility software. MAPPER's advantage is its flexibility; it allows for gathering and

analyzing ad hoc data. It can be cumbersome to use, however. Only one programmer is familiar enough with MAPPER and the ChildLine database to write complex programs for new statistical analyses. Therefore, requests for additional programs sometimes are backlogged. OIS also has an older version of SPSS (Statistical Package for the Social Sciences), but it is not so flexible as MAPPER in accepting different kinds of data.

II. CASE PROCESSING

A. General Description

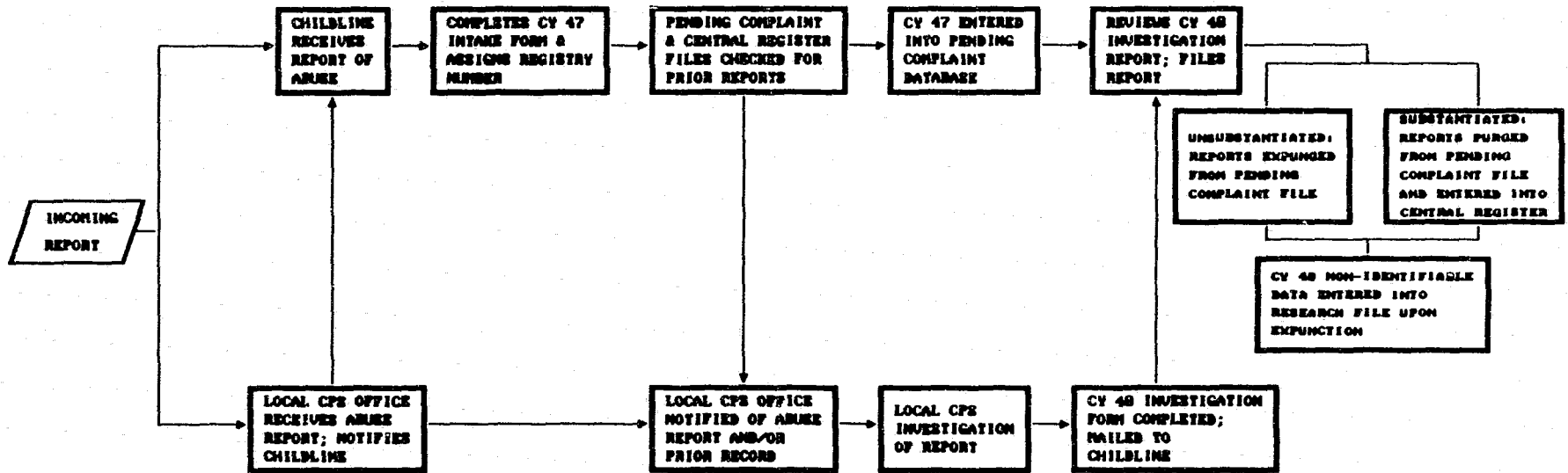
A report of child abuse from the general public may be made to either ChildLine or a local CPS agency (see Figure 3). Mandated reporters may submit an oral report of suspected abuse with ChildLine, followed within 48 hours by a written report to the local CPS office. Approximately half the reports of abuse or neglect in Pennsylvania are made to local CPS agencies and half to ChildLine.

If a report initially is made to ChildLine, a caseworker records the information on a complaint form (CY 47) and assigns it a registry number. The caseworker checks the pending complaint and central register files for prior reports and completes an additional form if "priors" are found. ChildLine notifies the local CPS agency of the allegations and any prior substantiated or pending abuse reports. The names and addresses of all the subjects listed on the CY 47 complaint form are entered into the pending complaint file usually within a day, and the hard copy is filed as "under investigation".

If a report initially is received by a local CPS agency, the local caseworker calls ChildLine with the information and asks for a "priors" check. ChildLine provides the information to the caseworker over the phone

FIGURE 3

PENNSYLVANIA ABUSE REPORT CASEFLOW



and completes a CY 47 complaint form on the case. The CY 47 information is then entered into the pending complaint file, and the hard copy is filed.

Once the local CPS office has been notified of the abuse report by ChildLine, an investigation of the allegations is initiated. When the investigation is completed, the local CPS caseworker sends ChildLine a copy of the investigation report (CY 48). ChildLine reviews the report for legal compliance and completeness and codes it for data entry. If a report is substantiated, ChildLine enters the CY 48 Report into the central register and expunges the original report (CY 47) from both the manual and automated pending complaint files. If a report is pending juvenile court action, it is maintained in the pending complaint file until ChildLine is notified of the report's final status. Unfounded reports (CY 48) are maintained in the pending complaint file until expungement; their CY 47 hard copies are expunged immediately.

B. Incoming Reports

In 1986, ChildLine received over 60,000 calls. Of these, only 20,667 were taken as reports of abuse. Calls reporting incidents which do not meet the definitions of abuse or neglect are referred to the proper local agency. Anonymous callers are encouraged to give their names or at least provide a phone number in case additional information is needed.

In 1986, most reports of suspected abuse (56.2%) were made by mandated reporters, professionals who have contact with children and are legally required to report incidents of suspected child abuse. These reports included 17.7% made by medical personnel, 17.2% made by school personnel, 15.9% made by personnel from various social service agencies, 5.2% made by law enforcement and court personnel, and .2% made by members of the clergy. Reports from non-mandated reporters included 24.1% made by family members,

8.3% made by friends and neighbors, 7.4% made by anonymous callers, and 3.9% made by other reporters.

C. Report Information

The initial complaint from (CY 47) is presented in Figure 4 and the investigation report form (CY 48) completed by local CPS caseworkers is presented in Figure 5. Data elements which statutorily are required to be on the central registry include: each subject's name and aliases, social security number, age, sex, and home address as well as the perpetrator's relationship to the child. Also required are the date, nature and extent of the alleged abuse, the county where the abuse occurred, the source of the report, family composition, and services planned or provided (Tit. 11, § 2214(a)(ii)(i)). State law forbids asking the race of victims or perpetrators or whether the report is the result of a custody dispute. Incomplete CY 48 forms cannot be entered into the registry. A ChildLine caseworker reviews each report and contacts the local CPS caseworker about any missing and/or ambiguous information. Each report undergoes three quality control reviews before it is entered into the registry.

D. Case Disposition

A local CPS caseworker must commence an investigation within 24 hours of receiving a report of suspected abuse (Tit. 11 § 2217(4)). A copy of the completed CY 48 investigation form shall be forwarded to ChildLine within 30 days of the initial report date (55 Pa. Admin. Code, § 3490.67). This report informs ChildLine of the status of the case: pending juvenile court action, founded (a court finding), indicated, or unfounded. If no CY 48 is received at ChildLine within an additional 30 days, an unfounded status is automatically assigned to the report by ChildLine (§ 3490.69). If the status of a substantiated report changes after the investigation form has

REPORT OF SUSPECTED CHILD ABUSE
 (Child Protective Service Law — P.S. §§ 2201-2224)

Figure 4

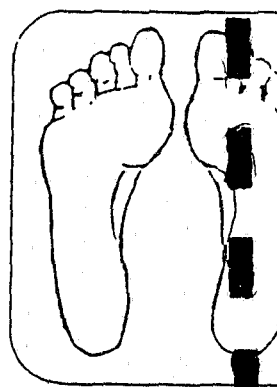
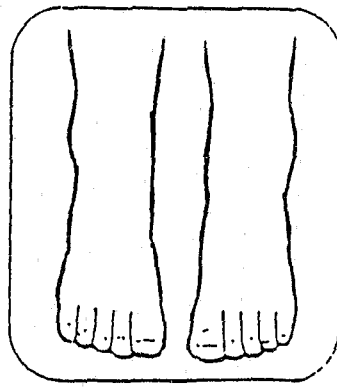
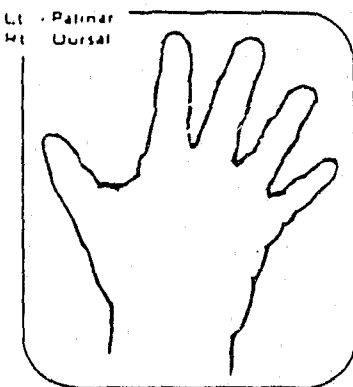
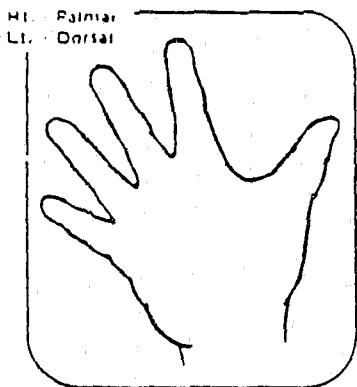
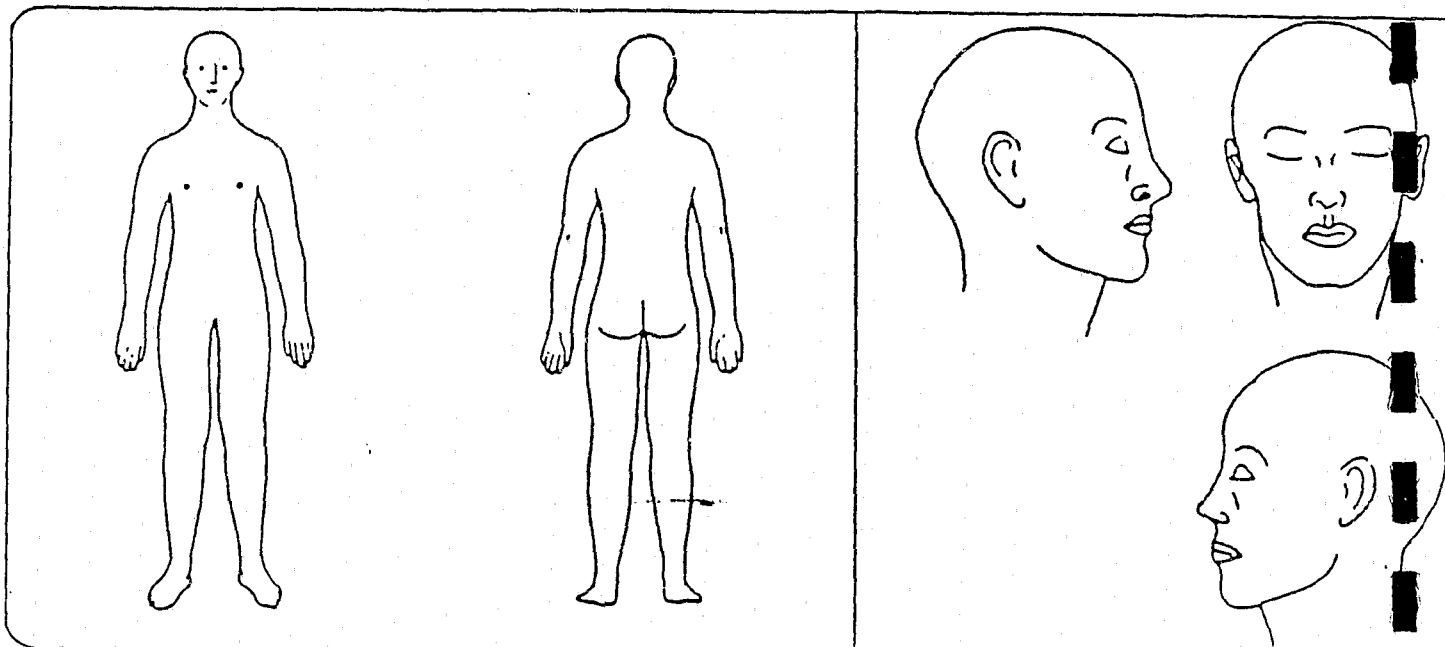
INSTRUCTIONS TO MANDATED PERSONS: Any persons who, in the course of their employment, occupation, or practice of their profession come into contact with children shall report or cause a report to be made to ChildLine (800-932-0313) when they have reason to believe, on the basis of their medical, professional, or other training and experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Within 48 hours after the oral report, send one copy of this report to the Child Protective Services Unit of the County Children and Youth Agency.

If the child has been taken into custody, you must also immediately contact the County Children and Youth Agency where the abuse occurred.

CHILDLINE USE ONLY			
EXCEPT FOR SIGNATURE, PLEASE PRINT OR TYPE		PENDING COMPLAINT NO.	PRIOR REPORTS <input type="checkbox"/> Yes (see attached) <input type="checkbox"/> No
1. NAME OF CHILD (Last, First, Initial)		BIRTHDATE	SEX <input type="checkbox"/> M <input type="checkbox"/> F
ADDRESS (Street, City, State & Zip Code)		COUNTY	
1a. PRESENT LOCATION IF DIFFERENT THAN ABOVE		COUNTY	
2. BIOLOGICAL/ADOPTIVE MOTHER (Last, First, Initial)		AGE	TELEPHONE NO.
ADDRESS (Street, City, State & Zip Code)		COUNTY	
3. BIOLOGICAL/ADOPTIVE FATHER (Last, First, Initial)		AGE	TELEPHONE NO.
ADDRESS (Street, City, State & Zip Code)		COUNTY	
4. OTHER PERSON RESPONSIBLE (Last, First, Initial)		AGE	RELATIONSHIP TO CHILD
ADDRESS (Street, City, State & Zip Code)		COUNTY	SEX <input type="checkbox"/> M <input type="checkbox"/> F
5. ALLEGED PERPETRATOR (Last, First, Initial)		AGE	RELATIONSHIP TO CHILD
ADDRESS (Street, City, State & Zip Code)		COUNTY	SEX <input type="checkbox"/> M <input type="checkbox"/> F
FAMILY HOUSEHOLD COMPOSITION (excluding above names)			
NAME (Last, First, Initial)	RELATIONSHIP TO CHILD	NAME (Last, First, Initial)	RELATIONSHIP TO CHILD
A.		D.	
B.		E.	
C.		F.	
DESCRIBE INJURIES/CONDITION AND WHY YOU SUSPECT ABUSE/NEGLECT. INCLUDE EVIDENCE OF PRIOR ABUSE TO THIS CHILD OR SIBLING. (PLEASE REFER TO OPPOSITE SIDE FOR ADDITIONAL INFORMATION.)		COUNTY WHERE ABUSE OCCURRED	DATE OF INCIDENT

7. ACTIONS TAKEN OR ABOUT TO BE TAKEN			
<input type="checkbox"/> NOTIFICATION OF CORONER	<input type="checkbox"/> X-RAYS	<input type="checkbox"/> PHOTO-GRAPHS	<input type="checkbox"/> HOSPITALIZATION
<input type="checkbox"/> POLICE NOTIFIED	<input type="checkbox"/> MEDICAL EXAMINATION	<input type="checkbox"/> EMERGENCY CUSTODY TAKEN	<input type="checkbox"/> OTHER (Specify)
REPORTING SOURCE (CONFIDENTIAL)		FACILITY OR ORGANIZATION	
SIGNATURE		TITLE OR RELATIONSHIP TO CHILD	
ADDRESS		TELEPHONE NO.	DATE OF REPORT
CHILDLINE USE ONLY		INVESTIGATING COUNTY	CPS WORKER
SOURCE <input type="checkbox"/> MR <input type="checkbox"/> NR <input type="checkbox"/> AN		RECEIVED	
DATE OF ORAL REPORT		CHILDLINE WORKER	GIVEN
GIVEN TO CPS		RECEIVED FROM CPS	TIME

PLEASE NOTE THE EXACT LOCATION OF THE INJURY BY PLACING A LETTER OR NUMBER ON THE MODEL BELOW. USE THE LINES BENEATH THE MODEL TO DESCRIBE THE CORRESPONDING INJURY THAT EACH LETTER OR NUMBER REPRESENTS.



Please check the category of injuries described below:

Physical Injuries

Sexual Abuse

Physical Neglect

CHILD PROTECTIVE SERVICE INVESTIGATION REPORT

(Child Protective Service Law - 11 P.S. §§ 2201 - 2224)

Figure 5

INSTRUCTIONS: Send one copy of this completed form to ChildLine & Abuse Registry, Department of Public Welfare, Lance Lodge, 3rd Fl., P.O. Box 2 Harrisburg, PA 17105 within 30 days of the receipt of an oral report of suspected abuse. Please type or print. Use one form per incident.

I. IDENTIFYING INFORMATION

REGISTER NUMBER

A. DATE OF INCIDENT _____ **DATE OF REPORT** 2 - 3 / 3

B. NAME OF CHILD (Last, First, Initial) _____ **SOCIAL SECURITY NO.** _____ **BIRTHDATE** _____

ADDRESS (Include Street, City, State, Zip Code) _____ **COUNTY** 9

C. BIOLOGICAL/ADOPTIVE MOTHER (Last, First, Initial) _____ **SOCIAL SECURITY NO.** _____ **AGE** 12

ADDRESS (Include Street, City, State, Zip Code) _____ **COUNTY** 14

D. BIOLOGICAL/ADOPTIVE FATHER (Last, First, Initial) _____ **SOCIAL SECURITY NO.** _____ **AGE** 17

ADDRESS (Include Street, City, State, Zip Code) _____ **COUNTY** 19

E. AGENCY OR LEGAL GUARDIAN RESPONSIBLE FOR CHILD (Other than Public C & Y Agency) _____ **RELATIONSHIP TO CHILD** _____ **SOCIAL SECURITY NO.** _____

ADDRESS (Include Street, City, State, Zip Code) _____ **COUNTY** 24

F. PERPETRATOR (Last, First, Initial) _____ **SOCIAL SECURITY NO.** 26 **AGE** 27 **RELATIONSHIP TO CHILD** 28 **SEX** 29

ADDRESS (Include Street, City, State, Zip Code) _____ **COUNTY** 31

G. FAMILY HOUSEHOLD COMPOSITION (Excluding Above Names)

NAME (Last, First, Initial)	RELATIONSHIP TO VICTIM	NAME (Last, First, Initial)	RELATIONSHIP TO VICTIM
<u>32</u>			

H. INDICATE THE INITIAL REFERRAL SOURCE (Check One Block Only)

<input type="checkbox"/> 01 Anonymous	<input type="checkbox"/> 07 Friend/Neighbor	<input type="checkbox"/> 13 Public Health Dept.	<input type="checkbox"/> 19 Residential Facility
<input checked="" type="checkbox"/> 02 Child - Self Referral <u>33</u>	<input type="checkbox"/> 08 Babysitter	<input type="checkbox"/> 14 Hospital	<input type="checkbox"/> 20 Coroner
<input type="checkbox"/> 03 Perpetrator - Self Referral	<input type="checkbox"/> 09 Landlord	<input type="checkbox"/> 15 Law Enforcement Agency	<input type="checkbox"/> 21 Courts
<input type="checkbox"/> 04 Parent/Guardian	<input type="checkbox"/> 10 Private Doctor/Nurse	<input type="checkbox"/> 16 School	<input type="checkbox"/> 22 Public MH/MR Agency
<input type="checkbox"/> 05 Sibling	<input type="checkbox"/> 11 Dentist	<input type="checkbox"/> 17 Day Care Staff	<input type="checkbox"/> 23 Other Public/Private Soc. Ser. Ag.
<input type="checkbox"/> 06 Relative	<input type="checkbox"/> 12 Private Psychiatrist/Psychologist	<input type="checkbox"/> 18 Clergy	<input type="checkbox"/> 24 Other _____

II. NATURE OF ABUSE/NEGLECT

A. TYPE OF ABUSE/NEGLECT

1. PHYSICAL INJURIES

<input type="checkbox"/> 01 Burns/Scalding	<input type="checkbox"/> 06 Welts/Echymosis	<input type="checkbox"/> 11 Asphyxiation/Suffocation	<input type="checkbox"/> 16 Drowning
<input type="checkbox"/> 02 Fractures	<input type="checkbox"/> 07 Lacerations/Abrasions	<input type="checkbox"/> 12 Internal Injuries/Hemorrhage	<input type="checkbox"/> 17 Other _____
<input checked="" type="checkbox"/> 03 Skull Fractures <u>34</u>	<input type="checkbox"/> 08 Punctures/Bites	<input type="checkbox"/> 13 Dismemberment	
<input type="checkbox"/> 04 Subdural Hematoma	<input type="checkbox"/> 09 Brain Damage	<input type="checkbox"/> 14 Sprains/Dislocations	
<input type="checkbox"/> 05 Bruises	<input type="checkbox"/> 10 Poisoning	<input type="checkbox"/> 15 Drugs/Alcohol	

18 2. MENTAL INJURIES (Explain) _____

3. SEXUAL ABUSE

<input type="checkbox"/> 19 Rape	<input type="checkbox"/> 21 Incest	<input type="checkbox"/> 23 Sexual Assault	<input type="checkbox"/> 25 Pornography
<input type="checkbox"/> 20 Statutory Rape	<input type="checkbox"/> 22 Deviate Sexual Intercourse	<input type="checkbox"/> 24 Promoting Prostitution	

4. PHYSICAL NEGLECT

<input type="checkbox"/> 26 Malnutrition Failure to Thrive	<input type="checkbox"/> 28 Lack of Supervision (resulting in a physical condition)	<input type="checkbox"/> 29 Medical Neglect (resulting in a physical condition)	<input type="checkbox"/> 30 Other _____
---	---	---	---

B. DESCRIBE THE INJURIES/CONDITIONS CHECKED ABOVE 35

III. CPS SERVICES

- A. WAS CHILD ALLEGEDLY ABUSED WHILE IN A "CHILD CARE SERVICE" SETTING (as defined by CPSL) YES NO (36)
- B. WAS CHILD REMOVED FROM THE ALLEGED ABUSIVE SETTING? (Includes move by self, agency, others) (37) YES NO
- C. WERE LAW ENFORCEMENT OFFICIALS NOTIFIED OF THIS REPORT? (CY 104 SENT) (38) YES NO

D. SERVICES PLANNED OR PROVIDED: Please check the appropriate blocks. (Abbreviations: PL = Planned, PR = Provided, and PERP = Perpetrator.)

CHILD PL/PR	PARENT PL/PR	PERP. PL/PR		CHILD PL/PR	PARENT PL/PR	PERP. PL/PR	
01 02	03 04	05 06	: COUNSELING (39)	25 26	27 28		HOMEMAKER/CARETAKER SERVICES
07 08	09 10	11 12	: REFERRAL TO SELF HELP GROUP	29 30	31 32		INSTRUCTION AND EDUCATION FOR PARENTHOOD
13 14	15 16	17 18	REFERRAL TO INTRA-AGENCY SERVICES (33)				EMERGENCY MEDICAL CARE
19 20	21 22	23 24	REFERRAL TO COMMUNITY SERVICES (34 35)	36 37	38 39		OTHER _____
PL/PR				PL/PR			
40 41			MULTIDISCIPLINARY TEAM CASE REVIEW				NO SERVICES PLANNED OR PROVIDED

IV. CASE STATUS

STATUS DETERMINATION (40)

- A. PENDING JUVENILE COURT ACTION (Additional CY 48 required when court action completed)
- B. FOUNDED (Court Finding)
- C. INDICATED (If checked answer 1, 2, or 3)
1. Medical Evidence. 2. CPS Investigation 3. Perpetrator Admission

EXPLAIN RESULTS OF INVESTIGATION AND WHY INJURY/CONDITION IS CONSIDERED SERIOUS. (Applicable Only if A, B, or C is Checked)

(41)

DID THE CHILD DIE AS A RESULT OF THIS INCIDENT OF ABUSE/NEGLECT. (Applicable Only if A, B, or C is Checked)

- D. UNFOUNDED - Explain why report was determined unfounded

(42)

(43)

COUNTY WHERE ABUSE OCCURRED (44)	INVESTIGATING COUNTY (45)	CHILDLINE USE ONLY	
CHILD PROTECTIVE SERVICES WORKER (46)		CODE	CHILDLINE WORKER
CHILD PROTECTIVE SERVICES SUPERVISOR (47)		A.	
		B.	
		C.	
		D.	
		E.	
		F.	
DATE FORM COMPLETED			
- (49) -			

been filed, a supplemental report form is sent to ChildLine. A status change can occur when additional information is received on the child, caretaker, or perpetrator, or after court action. The additional information is added to the record's original information usually within 24 hours.

If a CY 48 investigation report is not received within 30 days, ChildLine is authorized to conduct an inquiry and performance audit of the local CPS (Tit. II § 2214(g)). In 1986, 62% of the reports were filed with ChildLine within 30 days, and 38% were filed between 31-60 days. (In 1985, this ratio was 51% and 49%, respectively. Reportedly, much of the improvement in achieving earlier report filing in 1986 was due to a new regulation that counted the 30 days from the date the report was postmarked rather than the date received.) In 1986, 49 cases were unfounded because the 60 day deadline was not met (Child Abuse Report '86, p. 2).

In 1986, 7,127 or 34.5% of abuse reports were "substantiated". (Substantiation rates for individual counties ranged between 18.7% to 61.5%.) Substantiated in Pennsylvania refers to both indicated and founded reports. Founded reports result from juvenile court or criminal court adjudications that meet the statutory definition of abuse. In 1986, founded reports represented approximately 3 percent of substantiated cases. In some instances, a report might not meet the requirements for a founded determination (e.g., a juvenile court finding of dependency that fails to meet the abuse definition or a criminal court adjudication based on a plea bargain to an offense that does not meet the definition of abuse), yet it may still constitute an indicated report. Reportedly, an informal 39 percent standard of proof is used to determine indicated reports.

A higher percentage of reports from professional sources are substantiated: a 42-45% substantiation rate versus a 29% substantiation rate for non-professionals. Of all sources referring more than 10 cases, reports from law enforcement personnel most frequently were indicated (55.9%), whereas reports from anonymous sources (9.6%) were least likely to be indicated (Child Abuse Report '86, 3-5).

The statewide central registry contains only founded and indicated reports. When a report becomes founded or indicated, it is purged from the pending complaint file and entered into the central register. Unfounded reports must be purged from the pending complaint file within twelve months after the date of the initial report to ChildLine. Unfounded reports awaiting expungement may not be released from the pending complaint file.

E. Records Maintenance

1. Retention

Unfounded cases must be expunged within 12 months of the date the report was registered with ChildLine (Tit. II § 2214(N)).

There is a blanket purge provision for substantiated reports in the statutes: All information identifying the subjects of all indicated reports and all information identifying the subject child in all founded reports is purged when the child reaches the age of eighteen, unless another report is received involving the same child, a sibling, offspring, or another child in the care of the persons responsible for the subject child's welfare. In the case of subsequent reports, the identifying information on each report is maintained in the register until the respective victims reach age 23 (§ 3490.39).

On the state level, purging is accomplished on a "quarterly track". For example, the computer program prints a monthly report of all

cases in which the subject child has reached 18 years or 23 years of age. The printout is used to pull the hard copy file; this normally takes place within a month. Data retained for research files are transferred from the hard copy to the computer, for cases not already in the computer file. For cases on the computer, the identifiers are removed and the remaining data are stored in the research file. In time, the research file will be exclusively on computer. Hard copy reports for cases being purged are boxed for burning in an incinerator.

The Department of Public Welfare regional office staff have the responsibility to monitor local CPS expungement. When contacted, the Dauphin County CPS reported that it purged all abuse reports upon notification from ChildLine that expungement was to be accomplished.

The Attorney General is authorized to audit ChildLine files to see if expungement provisions are carried out correctly. A Senior Deputy Attorney General exercises this responsibility which includes verifying that only record information authorized for retention is kept. The annual audit may find that some reports do not meet the statutory definition of abuse or that some individuals do not meet the statutory definition of perpetrator. The Senior Deputy Attorney General has had to call few deficiencies to the attention of ChildLine and considers the annual audit part of the reason for the system's accuracy.

2. Security

The ChildLine and Abuse Registry is located in a former staff residence at the Harrisburg State Hospital. The doors to this unit are kept locked primarily for security of the confidential records. Staff members sign a confidentiality pledge. Willful release of record information, at state or

local levels, is a misdemeanor (Tit. 11, § 01175). Administrative personnel reported no complaints of an unauthorized release of a perpetrator's identity.

Because terminals are hard-wired to mainframes, no telephone modems are used. Therefore, registry data are accessible only from a terminal within the ChildLine office.

III. DUE PROCESS

A. Notification

The notifying authority may be the local CPS or the ChildLine and Abuse Registry. Each is responsible for notifying parties at different stages in the process:

1. By law, following receipt of a report and commencement of the investigation, the CPS sends written notice "forthwith" to all the subjects of the report, except for the child, of certain facts and procedures. By regulation, this is accomplished within 72 hours of receipt of a report (Tit. 11 § 2217.14).

The subject is notified of the existence of the report and the right to obtain a copy; of the right to request that indicated and founded reports be amended, sealed, or expunged; the services that are available through the CPS, and the effect that a founded or indicated report may have on a person seeking employment in a child care service. It also explains that if the report is determined to be unfounded, it will be expunged within twelve months (§ 3490.58).

2. If the investigation finds that a report is unfounded, the CPS notifies all subjects, except the subject child, of this fact when it notifies ChildLine of the status of the report (§ 3490.58).

FIGURE 6: NOTIFICATION FORM



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
HARRISBURG, PENNSYLVANIA 17120

OFFICE OF
CHILDREN, YOUTH & FAMILIES

CHILDLINE & ABUSE REGISTRY
DEPARTMENT OF PUBLIC WELFARE
LANCO LODGE, 3RD FLOOR
P.O. BOX 2675
HARRISBURG, PA 17105-2675
TELEPHONE NO. (717) 783-1964

Child:

Report Number:

A report of suspected abuse involving the child named above was recently investigated by the

_____ Region Office of Children, Youth and Families.
 _____ County Children and Youth Agency.

The status of the report is "Indicated" which means the agency determined that the child was abused. As a result, the report will remain on file in the state and county offices until the child reaches age 18. If the child is reabused or another subject is involved in another substantiated report, the reports will remain on file until the children reach age 23. When the report(s) is removed from the file, all information which identifies the subjects will be destroyed.

Your name was listed on the report as the:

parent substitute caregiver abuser.

Persons named as abusers may not be hired in some child caring jobs under certain conditions according to Act 33 of 1985.

You have the right to receive services, which are intended to prevent further abuse or neglect, through the county children and youth agency. You also have the right to receive a copy of the report by writing to the agency checked above or this office. If you choose to do so, please refer to the report number listed above when making your request.

If you believe the report is inaccurate or that it is not being maintained in accordance with the law, you may request the report be amended, sealed, or destroyed by specifying the reasons in writing to: Secretary of Public Welfare, P.O. Box 2675, Harrisburg, PA 17105.

If you have questions about your involvement in the report, your rights or the purpose of this letter, we suggest you contact the investigating agency named in the first paragraph, telephone () _____.

Sincerely,

Warren L. Lewis
Director

3. When founded and indicated reports are entered into the statewide register, ChildLine notifies all subjects, other than the child, of the status of the report; the right to request the Secretary to amend, seal, or expunge the report; the circumstances under which a report is expunged; the right to services from the CPS, and the effect of the report upon future employment opportunities in a child care service (§ 3490.40 (See Figure 6)).

4. ChildLine notifies the CPS and the perpetrator if expungement of a report takes place. Furthermore, ChildLine notifies the CPS and all subjects of the Secretary's decision to amend, seal or expunge the report (§ 3490.40).

5. The CPS will amend, seal, or expunge a record of child abuse once notified by ChildLine of a report's change in status. In turn, the CPS notifies those to whom it gave information to take similar action (§ 3490.70).

First class mail is used to accomplish all notifications from ChildLine. Very seldom are notifications returned as not deliverable, since notification of indicated reports are done "quite soon after the report is received and approved." In cases of returned notifications, the file is checked to see if the correct address was used. If it was, the notification is destroyed and no further attempt to obtain a different address is made. These notifications are prepared by clerical staff on the 4:00 p.m. to midnight shift.

As of January 1, 1986, all persons desiring to be employed in a child care capacity are required by law to submit a "request for verification" along with \$10.00 to the central registry. This includes all prospective administrators and operators of a child care service, prospective adoptive parents, and prospective foster parents. (Other individuals, such as

babysitters, may seek "voluntary" verification from the registry as well.) The Department of Public Welfare informs individuals seeking verification whether or not they have been named in the central register as the perpetrator of abuse in a founded or indicated report, the number of founded and indicated reports, and the date(s) of the incidents. The law also requires child care employees to receive clearance from the Pennsylvania State Police that they have not been convicted of any one of sixteen specified crimes during the past five years.

The Commonwealth Court of Pennsylvania, in 1982, ruled that a teacher cannot be a perpetrator of child abuse under the law since a teacher is not a person responsible for the child's welfare and does not provide students with basic necessities. (State Education Association v. Commonwealth, 449 A2d 89, 1982). Accordingly, applicants for teaching positions are not required to obtain record checks from the child abuse registry and to submit these to a potential employer. Record checks are made with the police, however, for prospective teachers.

An administrator of child care service is prohibited from employing any person who will have contact with children if the person was the perpetrator of child abuse in a founded report within the past five years. An administrator may hire a person who was a perpetrator of child abuse in an indicated report. Any administrator or employer who willfully fails to have his employees undergo verification may be subject to a civil fine up to \$2,500 (§ 3490.121-126).

B. Procedures

The subject of an indicated or founded report may file a written request that the Secretary of the Department amend, seal, or expunge the

report on the grounds that it is inaccurate or maintained in a manner inconsistent with the law. The Secretary decides on the request within 30 days. The CPS or any subject has 45 days to appeal the Secretary's decision to the Department's Office of Hearings and Appeals. In cases challenging an indicated or founded report, the CPS has the burden of proof. In cases where the subject challenges the Secretary's refusal to amend, seal, or expunge a report of child abuse, the CPS bears the burden of proof. (See § 3490.105-106 for information on burden of proof.) The initial paper review is conducted for the Secretary by designated staff in the Office of Children, Youth and Families. The staff may request additional justification from the local CPS and the perpetrator or the attorney for the perpetrator in order to reach a decision on the appeal.

Hearing officers employed by the Office of Hearings and Appeals are often non-attorneys with offices in the main cities across the state. These hearings include the testimony of witnesses. Unlike the Secretary's review, the appeal is not restricted to the written record.

Hearings are recorded by a court stenographer. The transcribed report of the hearing is completed within two weeks. Forty days then are allowed for the moving party to file a brief. Twenty days are allowed for the filing of a reply brief. The hearing officer then has 45 days in which to file his or her decision. If there is a Motion for Reconsideration, time is allowed for both sides to file briefs and there is no time limitation on the decision by the hearing officer. A final order of the Office of Hearings and Appeals may be appealed to the Commonwealth Court within 30 days. A Commonwealth Court decision may be appealed to the Supreme Court.

During 1986, ChildLine provided 707 copies of reports to subjects. Quite probably, local CPS agencies provided additional reports (Child Abuse

Report '86, 2). The Secretary received 476 requests to expunge, 13 requests to amend, and 4 requests to seal. Of these, only 25 requests to expunge, 4 requests to amend, and no requests to seal were granted (1986 Annual Statistics).

The Office of Hearings and Appeals, during 1986, received 160 appeals. Of these, 30 were withdrawn by action of the CPS agency or the appellant. Through May 22, 1987, 64 decisions were reached on the merits. Of these, 43 (67 percent) were decided in favor of the appellant; 21 (33%) were decided in favor of the agency.

Of the 64 appeals decided on the merits, 36 (56%) took more than 3 months but less than 6 months to complete; 25 (39%) took more than 6 months but less than 12 months to complete; and 3 (5%) took more than 12 months to complete. Data reported by P. H. O'Neal (personal communication, May 26, 1987) also showed that fifteen appeals were received in January 1986, but five of these cases had not been disposed on the merits as of May 22, 1987. In February 1986, seven appeals were received and no disposition had been reached on four of these cases by May 22, 1987.

IV. RECORDS USAGE

A. Accessibility and Confidentiality

Law and regulations provide that reports, report summaries, other information obtained, and photographs and x-rays are confidential, but may be made available to certain parties (§ 3490.91). Authorized employees from the Department of Public Welfare and law enforcement officials receive registry information automatically. Law enforcement officials must receive reports of suspected child abuse from CPS and may request information from CPS when investigating a report of child abuse. This is in accord with the general

rule in Pennsylvania that child abuse reports are criminally prosecuted when committed by someone outside the child's immediate home (i.e., they are not handled by the social services department).

Registry information also may be provided to: physicians examining or treating a child, a guardian ad litem for the child, a court of competent jurisdiction, a standing committee of the general assembly, the Attorney General, federal auditors, county executive officers if investigating the competence of county children and youth employees, the subject of a report, and individuals authorized to conduct research on files that do not contain identifying information (§ 3490.91). Feedback on case disposition is not provided to the person who reported the suspected abuse. The penalty for willfully releasing or permitting the release of data to unauthorized individuals is a third degree misdemeanor (Tit. 11 § 2215(b); § 3490.94.).

The law prohibits the release of the identity of a reporter unless the Secretary finds that the release would not be detrimental to the reporter's safety. The reporter is notified before any identifying information is released and is given 45 days to advise the Secretary why release would be detrimental to his or her safety.

Presumably, a policy to maintain the anonymity of a reporter seeks to encourage reporting and avoid retaliation by a perpetrator against the reporter. This restriction has been criticized for handicapping both law enforcement and CPS agencies in other counties, when conducting new investigations involving the child, family, or perpetrator of a prior report (Attorney General's, Family Violence Task Force, 1987, 36-37).

In most instances, information from the state agency is sent to the local CPS for dissemination. There are two purposes for the decentralized

release of information. First, it provides a safeguard that the information is released to an authorized person (e.g., a physician or police official). Second, it strengthens the position of the local CPS in the child abuse investigation role.

The ChildLine and Abuse Registry is prohibited from sharing information across state lines, although other states have provided abuse information to Pennsylvania's local CPS agencies. Accordingly, if an out-of-state hospital calls in for prior record information on a child who is now in that hospital's care, Pennsylvania would not release the information. The information would not be provided unless the local CPS obtained a court order for release.

B. Uses of Information

1. Internal Management

As in most states, Pennsylvania uses registry data for planning, management, and allocating resources.

2. Screening Applicants

As noted in the "due process" section above, applicant screening is one of the major uses of registry data. Pennsylvania requires child care services employees to obtain certification to show whether or not they have been named as a perpetrator in a founded or indicated report. State law forbids an administrator of a child care service from employing a person who will have contact with children if they have been listed in a founded report within the previous five years. In 1986, ChildLine processed 45,987 requests for verification which indicates screening is a major mission of the registry in Pennsylvania. Of these, 44,834 individuals (97.5%) sought employment in a child care service and 1,153 (2.5%) requested voluntary certification. There were 146 (.3%) who had a record on file as a perpetrator

in child abuse. Of these, four persons were perpetrators in a founded report and 142 persons were perpetrators in an indicated report. The percentage of each type of abuse perpetrated by persons requesting clearance was: physical, 69.4%; mental, 1.5%; sexual, 15.5%, and neglect, 13.5% (Child Abuse Report '86, 19).

3. Research

An Annual Report on Child Abuse in Pennsylvania which contains a statistical analysis of reported and substantiated child abuse cases and prevention of child abuse, is published by the Department of Public Welfare. Special reports, such as "Profile of Sexual Abuse in Pennsylvania 1983-1986", are produced periodically by OCYF staff members. Registry data is not used often by faculty members at Pennsylvania universities, students or other researchers.

4. Diagnosis

Registry data is not used for medical diagnostic purposes to prevent "hospital shopping" because reports go to caseworkers, not to physicians directly. Although the concept is being discussed, there is no risk assessment program yet in place.

5. Public Education

In addition to the annual report, other literature is distributed to increase public awareness and willingness to identify victims. Indeed, a recent public information campaign was postponed because staff believed that more calls at this time would overload the local system. County youth agencies do present programs on the responsibilities of parenthood. Counties also organize self-help groups to reduce abusive behavior through mutual support.

V. FUTURE DIRECTIONS

The Governor's Task Force on Family Violence (1987) has recommended broadening Pennsylvania's definition of child abuse to include "acts or omissions that could have caused serious injury but, because of intervention by others or happenstance, did not, and cumulative acts or omissions that, if continued or repeated, would more likely than not cause serious injury" (Violence Against Children, 1987, 21-22). This definition includes possible serious injuries as well as actual serious injuries. The Task Force, interested in issues related to domestic and elderly abuse as well as child abuse, also is examining the need for early intervention programs to target situations where abuse can be prevented. ChildLine personnel are examining other states' approaches to subjects such as risk assessment models and ways to vary assignments for registry caseworkers.

CHAPTER 8

UTAH CENTRAL REGISTER FOR CHILD ABUSE AND NEGLECT

I. OVERVIEW

The Utah legislature enacted the Child Abuse Reporting Act of 1978 (codified at Utah Code Ann. § 78-3b-1 to 13 (Supp. 1981) and the Utah Child Abuse Act (codified at Utah Code Ann. § 76-5-109 (Supp. 1981) to deal with the problem of child abuse. The Child Abuse Reporting Act of 1978 (§ 78-3b-1 to 13) defines child abuse as "causing harm or threatened harm to a child's health or welfare".

Utah was selected for a site visit because it was reported to have an integrated record-keeping system with the central registry performing a monitoring function.

A. Organization and Personnel

The Utah Central Child Abuse Register is operated by the Department of Social Services (DSS), Division of Family Services which is located in Salt Lake City. Figure 1 shows placement of the Registry within the Division of Family Services.

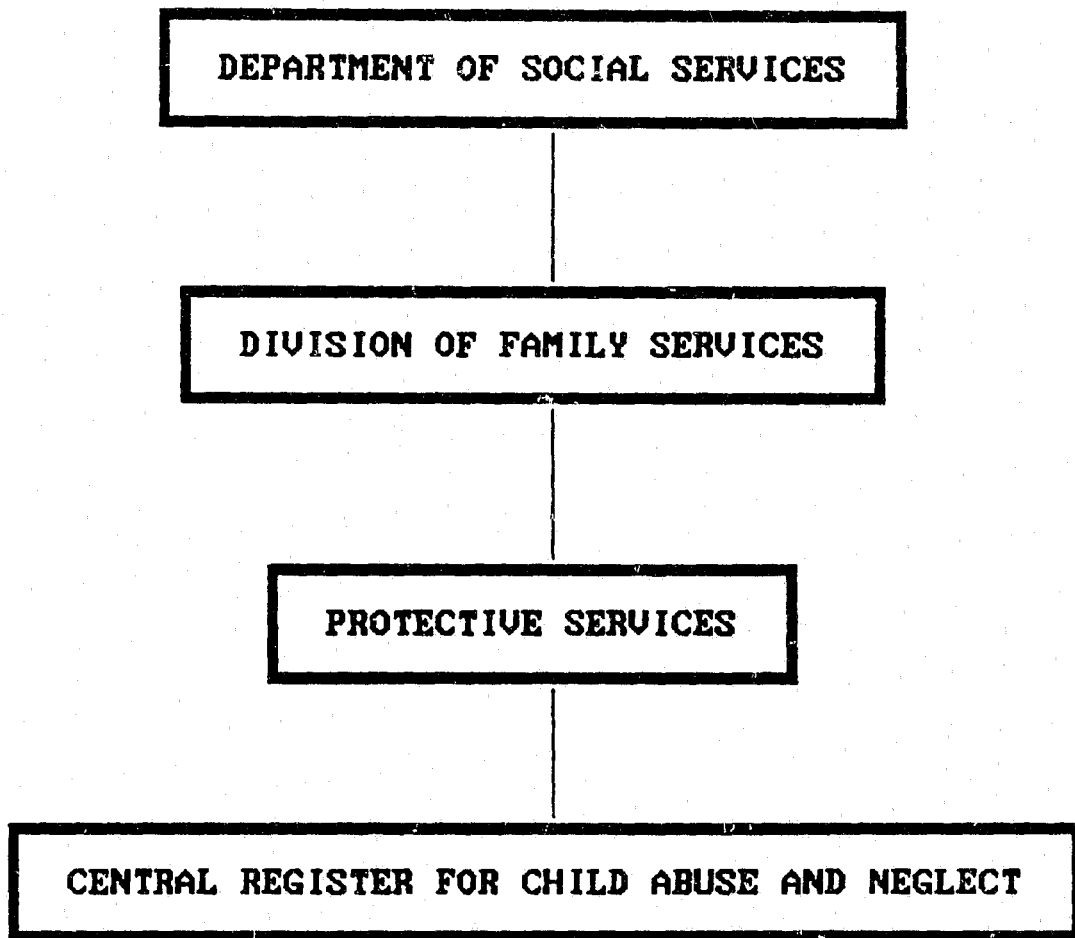
The Utah Register is a decentralized state system, e.g., employees who work in the 13 District Offices are on the state payroll. Only one person works at the state office in Salt Lake City.

B. Facilities

1. Hotline

There is no state-wide, toll-free hotline. The Register is open from 8:00 a.m. to 5:00 p.m. Monday through Friday, except for legal holidays. Investigations conducted after hours or on weekends do not have the benefit of using registry information. At one time an answering machine was

FIGURE 1
ORGANIZATION CHART



used to record after hours calls, but so few calls were received that this service was discontinued. There is a hotline for each district, but most of the calls are made to the districts' office numbers.

2. Information Systems

An IBM 3084 is used for normal processing of registry data, and an Amdahl V12 is used for development. Registry staff have the same priority in accessing the computer as other agencies; no problems with access have occurred.

A user group helped programmers from the Management Services Division design the computer system for tracking reports through the registry. The system is monitored routinely, and updates are made as needed. ADABASE-Natural is the software used.

The registry file lists victims, perpetrators, and other family members in a "name" database. Each episode or report is entered as a case. The computer screens match the form used for recording information.

A management report is generated each month for monitoring work load and case processing. An annual report provides statistical summaries of the demographics of child abuse and neglect reports. There are four programmers who can generate reports from the central registry database.

II. CASE PROCESSING

A. General Description

Utah Reporting Law (§ 78-3b-4) requires any person who believes that a child has been harmed or threatened with harm to file a report with the Division of Family Services (DFS) or a law enforcement

agency. If the report initially is made to a law enforcement agency, that agency must notify the Division of Family Services so the report can be entered onto the registry. If necessary, oral reports shall be followed by a written report within 48 hours (§ 78-3b-7).

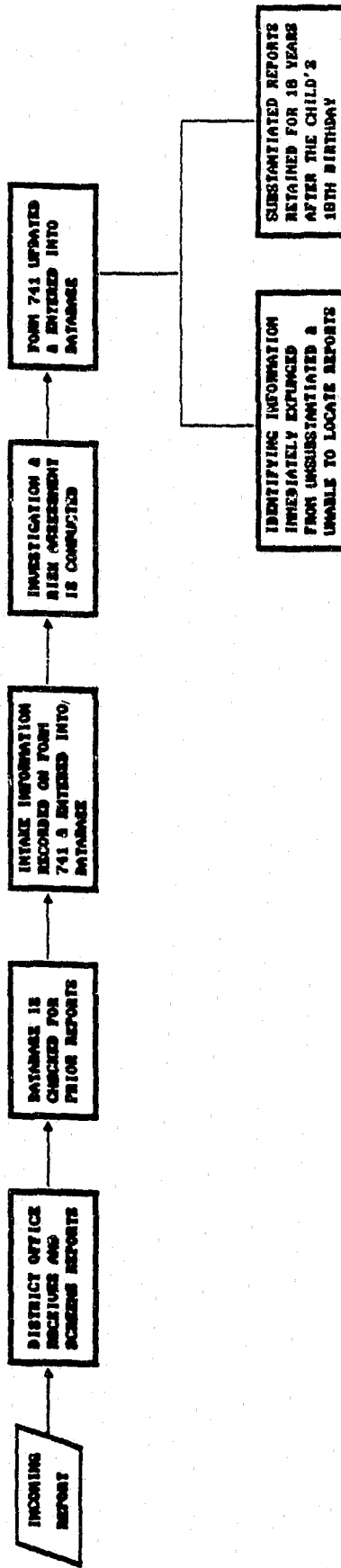
Figure 2 shows the caseflow of a report submitted to the registry. The initial information on each report is recorded on Form 741 Child Abuse/Neglect Report (Figure 3), and the database is searched for any prior reports on the same subjects. The priority status, indicating a report's potential seriousness, also is recorded on Form 741. The original copy of Form 741 and background information are forwarded to the investigating worker. The second copy of Form 741 is entered into the registry database. When the investigation is concluded, the worker updates Form 741 for data entry. When an "unfounded" or "unable to locate" code is entered for a report, all identifying information is expunged automatically. Substantiated reports are retained on the database for 10 years after the child's 18th birthday. Once the disposition of a case has been entered into the database and the report is closed, only the state office can make changes on the report; codes no longer can be changed at the local level.

B. Incoming Reports

In 1986, the district offices conducted 11,390 investigations, an increase of 9% over the 10,450 investigations conducted in 1985 and 16.8% over the 8,945 conducted in 1984 (1986 Annual Report, Chart 1). In 1986, most referrals came from relatives and neighbors, approximately 2,000 each. Referrals from professionals, specifically law enforcement personnel, school staff, public social agencies, and hospital staff were the next most frequent sources of report. The smallest number of reports

FIGURE 2

UTAH ABUSE REPORT CASEFLOW



CHILD ABUSE/NEGLECT REPORT

REFERRAL NUMBER **205206**

REFERRAL INFORMATION

INVESTIGATION RESULTS/SERVICES

20. TERMINAL INTAKE ENTRY

1. REFERRAL DATE <small>DD MM YY</small>		2. INTAKE WKR		3. DIST OFF		4. SOURCE OF REFERRAL		5. PRIORITY 1 2 3			40. INVESTIGATION START <small>DD MM YY</small>		41. INVESTIGATION END <small>DD MM YY</small>						
6. PRIOR REFERRAL (Enter substantiated referral numbers) 1. 2. 3.						7. INVESTIGATING WORKER ID Name						42. ABUSE/NEGLECT PRESENT? S Substantiated U Unfounded L Unable to locate		46. SERVICES PROVIDED/ACTION TAKEN (Circle up to 7) CA Criminal action CN Crisis nursery C/W Casework counseling DC Day care FP Family preservation HM Homemaker HS Health/medical services referral JC Juvenile Ct petition filed MH Mental health services referral PA Public entitlements referral SC Shelter care SS Self-sufficiency referral SX Sex abuse treatment XR Other resource referral NN None					
8. ALLEGATIONS (Circle up to 5) AB Abandonment BD Baby Doe DP Dependent EM Emotional maltreatment EN Educational neglect				9. SITE OF NEGLECT/ABUSE MN Medical neglect NS Non-supervision PA Physical abuse PN Physical neglect SA Sexual abuse				9. SITE OF NEGLECT/ABUSE CH Child's home CR Church OC Day care FH Foster home IN Institution				43. RISK ASSESSMENT Initial Closure 3 High 3 2 Moderate 2 1 Low 1 0 No risk 0				44. SOCIOECONOMIC STATUS U Upper M Middle L Lower income/working P Poverty/public assistance			
10. ADDRESS OF FAMILY Street Apt. No. City						11. FAMILY PHONE						45. EMPLOYMENT? Y Yes N No				47. SERVICES NEEDED BUT NOT AVAILABLE (Enter up to 3 codes from # 46) 1. 2. 3.			
12. ADDRESS OF PERPETRATOR NOT IN HOME						13. PERPETRATOR PHONE						46. SERVICES PROVIDED/ACTION TAKEN (Circle up to 7)				47. SERVICES NEEDED BUT NOT AVAILABLE (Enter up to 3 codes from # 46)			
14. REFERENT NAME						15. REFERENT PHONE						46. SERVICES PROVIDED/ACTION TAKEN (Circle up to 7)				47. SERVICES NEEDED BUT NOT AVAILABLE (Enter up to 3 codes from # 46)			
16. REFERENT ADDRESS						15. REFERENT PHONE						46. SERVICES PROVIDED/ACTION TAKEN (Circle up to 7)				47. SERVICES NEEDED BUT NOT AVAILABLE (Enter up to 3 codes from # 46)			

INDIVIDUAL INFORMATION <i>(Use 2 lines if a person is both a victim and a perpetrator)</i>													COMPLETE IF REFERRAL IS SUBSTANTIATED					
													VICTIMS AND PERPETRATORS			FOR VICTIMS ONLY		
30. NAME			31. BIRTHDATE (if known)		32. ROLE	33. REL TO O.V.	34. AGE	35. SEX	36. ETH	37. IN HOME	50. TYPE ABUSE/NEGLECT			51. SVR	52. DISP	53. DISA CONDIT		
Last	First	MI	CLIENT ID (if known)								Prim	2nd	3rd			(Use 1-6)		
					V P			M	A B H	Y						A B C		
					N Z			F	I W Z	N						D E F		
					V P			M	A B H	Y						A B C		
					N Z			F	I W Z	N						D E F		
					V P			M	A B H	Y						A B C		
					N Z			F	I W Z	N						D E F		
					V P			M	A B H	Y						A B C		
					N Z			F	I W Z	N						D E F		
					V P			M	A B H	Y						A B C		
					N Z			F	I W Z	N						D E F		
					V P			M	A B H	Y						A B C		
					N Z			F	I W Z	N						D E F		

NATURE OF ALLEGATION

60. TERMINAL RESULTS ENTRY

61. EXTENSION APPROVED

Until DD MM YY

District Director

Date of Signature

came from clinic staff, private social agencies, nurses, clergy, and medical examiners (1986 Annual Report, Chart 2). Reporters who do give their names are entitled to be notified of the completion of the investigation. Approximately 300 reports came from anonymous sources.

No cases of institutional abuse are kept on the register because district offices do not investigate any agency they license. Law enforcement agencies are responsible for investigating day care facilities and for reporting these cases to the registry.

C. Report Information

The Child Abuse/Neglect Report Form 741 contains information on the referral time and place, the source of the referral, the name of the investigating worker, the allegations, family and perpetrator addresses, and information on the victim. Specifically, the victim's name, birthdate, relationship to perpetrator, age, sex, ethnic background and residence are recorded.

The following information is kept in the registry:

- o all information in the written report;
- o information on final disposition, including services offered and accepted;
- o plan for rehabilitative treatment;
- o name and identifying information on the child victim and the reported abuser;
- o dates and circumstances of any persons requesting or receiving information from the register; and
- o any other information which might be helpful in furthering the purposes of the Child Abuse Act. (1986 Annual Report, 2 and § 78-3b-12(2)).

D. Case Disposition

Reports to district offices are prioritized into three categories: investigate within one hour, investigate within two working days, and

investigate within five working days. Cases are disposed within 30 days of the receipt of report of suspected child abuse or neglect. Disposition alternatives include substantiated, unfounded, and unable to locate. The standard of proof necessary to determine a case as substantiated is "credible evidence". A services provided/action taken column enables workers to record the manner in which cases were disposed.

Of the 11,390 reports investigated in 1986, 27.6% were substantiated. Reports from law enforcement officials had the highest rate of substantiation in 1986 (47.8%), followed by victims (44.1%), private social agencies (38.8%), perpetrators (35%), school staff (34.4%), clergy and medical examiners (33.3%), clinic staff (31.4%), physicians (31.2%), hospital staff (25.7%), and nurses (25%). The sources of the most referrals, relatives and neighbors, have lower substantiation rates (23% and 19.2% respectively). Anonymous reports have the lowest substantiation rate of all (13%). (1986 Annual Report, Chart 3 is the source of all substantiation rates used above.)

E. Records Maintenance

1. Records Retention

If the investigation reveals that a case is unfounded, identifying information is expunged within 30 days of receipt of the report (§ 78-3b-12(3)). Registry records are sealed ten years after the child's eighteenth birthday. (In practice, no records have been sealed yet. It is anticipated that when the time comes, backup tapes will be made and put into storage). District offices are not required to seal or destroy their records.

2. Security

Passwords and other computer security devices are employed. To access the register, a person must know the log-on password, a password to

enter the social service database, and a third password to enter the registry database. The last password also indicates whether the person has the authority to change information contained in the database. Data are input in the 13 district offices and all operators (28 to 32 people) know the passwords necessary to access the registry database. Passwords are changed every six months. No breaches of security have been reported so far.

III. Due Process

A. Notification

Utah does not notify perpetrators that their names have been entered onto a child abuse register. Apparently, some perpetrators become aware of their placement on the registry at the time the investigation is conducted because there have been a few challenges to entry.

B. Procedures

The subject of a report may request the amendment or expungement of a report any time after the investigation is completed. After the investigation is closed, changes to the record can be made only at the state level. If the request is denied or the administrator fails to act within 30 days after the request was made, the subject is entitled to a fair hearing. There have been no fair hearings in the past eighteen months. Challenges to entry onto the central register must be based on the grounds that the information is inaccurate or that it is maintained in a manner inconsistent with the Child Abuse Act (§ 78-3b-12(5)). Most requests for expungement come from day care providers.

The local investigating office is notified of the hearing and has the burden of proof. Appeals from fair hearings go to district court. To date, no appeals have been made to the district court.

IV. RECORDS USAGE

A. Accessibility and Confidentiality

The following people have access to register information:

- o law enforcement personnel investigating a report of child abuse and neglect;
- o physicians who reasonably believe a child may have been abused or neglected;
- o agencies having the responsibility to care for treat, or supervise children;
- o guardian of child victim;
- o guardian ad litem; and
- o prosecutors. (§ 78-3b-13(1)).

In addition, agency personnel investigating a current case of suspected abuse or neglect may use registry records to aid in investigation or diagnosis (1986 Annual Report, p. 1). Subjects of reports may receive a report of all information concerning them on request (§ 78-3b-12(7)). Utah shares information with registries in other states.

The penalty for breach of confidentiality is a class C misdemeanor (Utah Code Ann. 78-3b-13(3)).

B. Uses of Information

1. Internal Management

Registry data are used for planning, resource allocation, and other management functions. The Annual Report (p.1) notes that registry data are used for the purposes of planning strategies to deal with the problem of child abuse and neglect, strengthening families by protecting children, providing a database for research, and evaluating program effectiveness. Registry data helps managers decide upon the internal allocation of resources, e.g. sex abuse treatment versus training of counselors, and to explain expenditures to the state legislature.

2. Screening Applicants

Registry data are used to screen prospective foster care providers, adoptive parents, and day care providers that are not licensed by the Department. DSS employees are not screened through the registry. Because screening is done at the district level, it is not possible to calculate a "match" rate. The perception of registry personnel is that "hits" are important when they occur but are relatively rare. Utah receives approximately 213 calls per month from other states requesting information on suspected perpetrators.

3. Research

The Director of Social Services must authorize the release of data for research purposes. All identifying information is expunged. Permission to use non-identifying registry data is given quite liberally. An Annual Report is published by the Department of Social Services.

4. Diagnosis

Registry data are rarely used for medical diagnostic purposes to prevent "hospital shopping". A risk assessment model is used to screen cases, but more consistency among users of the model is needed. The model is based upon 58 elements developed by the Child Welfare League of America and currently is being field tested.

5. Public Education

In addition to the annual report, other literature is distributed to increase public awareness of child abuse and neglect. Most educational activities occur at the local level.

V. FUTURE DIRECTIONS

There appears to be some concern about inconsistencies in screening cases of suspected child abuse and neglect cases. There are differences in application of definitions between rural and urban areas especially. For example, some rural schools may want to see truancy reported as educational neglect, while urban areas do not. A training program leading to certification in screening practices and use of the risk assessment model is currently being considered.

Victims of Child Abuse Legislation (VOCAL) is active in Utah and especially is concerned about the lack of notification of entry into the register and use of risk assessment models. A representative from the registry met with members of VOCAL and explained many of the registry's procedures. He also explained that the risk assessment model was designed to make the investigation process more rather than less objective. The meetings were apparently successful in alleviating some of the VOCAL's concerns and does suggest that direct explanation may be useful in other states as well.

A bill before the 1988 Legislature could refer individuals who repeatedly make unsubstantiated calls to the county attorney for prosecution. The law would make it a misdemeanor to knowingly file a false report of abuse or neglect and a third degree felony to coerce a child into making a false report.

CHAPTER 9

VIRGINIA CENTRAL REGISTRY

I. OVERVIEW

Virginia passed the Child Abuse and Neglect Act in 1974 and amended it in 1975 to require social service agencies to investigate all complaints of child abuse or neglect and to provide services when necessary. Virginia law (Va. Code Ann. § 63.1-1-248.2, subsequently cited as § 63.1-248) defines "abuse or neglected child" to mean any child less than eighteen years of age:

- a. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, impairment of bodily or mental functions;
- b. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; provided, however, that no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;
- c. Whose parents or other person responsible for his care abandons such child;
- d. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of law; or
- e. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis.

There is no statutory qualification that cultural child-rearing practices should be taken into account. The Virginia Department of Social Services, elaborates on the statutory definition by defining eight categories of abuse or neglect: physical abuse, physical neglect, medical neglect, educational

neglect (by parent or guardian), mental abuse, mental neglect, sexual abuse, and bizarre discipline (Protective Services Manual, 9, hereinafter cited as Manual).

Abuse or neglect requires a relationship with a parent or caretaker, including out-of-the-household abuse or neglect of children by a caretaker. State Department of Social Services (DSS) regulations include step-parent under the category of parent. The "person responsible" category includes individuals who have assumed caretaking responsibilities by virtue of an agreement, such as relatives (including siblings under eighteen years), foster parents, babysitters, and day care personnel. The "person responsible" category also includes, by virtue of their authority, teachers, other school personnel, and scout troop leaders. When living in the home with the child, grandparents, other relatives, a paramour of a parent, or a sibling over the age of eighteen years are assumed to be persons responsible for the child's care (Manual, 2-3).

A. Organization and Personnel

The Child-Protective Services (CPS) Unit in the Bureau of Child Welfare Services of the Department of Social Services is charged with: maintaining the Central State Registry; strengthening local, regional, and State programs dealing with child abuse and neglect; developing programs to prevent child abuse and neglect; and disseminating materials on child abuse and neglect (§ 63.1-248.7). The services are state-directed, locally administered and are funded by a combination of federal, state, and local monies. Seven regional offices serve as the state's liaison to 124 local departments of social services.

The CPS Unit is composed of ten full-time equivalent (FTE) professional staff and three (FTE) administrative staff. The staff have many

program responsibilities, only one of which is maintaining the State Central Registry. Of the five FTE people who staff the Hotline, approximately 2.5 FTE handle central registry referrals and tasks. The Hotline staff work staggered shifts to provide 24-hour phone coverage. Substitutes are called when regular staff are ill or otherwise unavailable. One data entry operator enters CPSIS information from all of the local offices.

B. Facilities

1. Hotline

The Child Protective Services Hotline operates 24 hours per day, seven days per week. In FY 1985-86, the Hotline received 41,089 calls--the largest volume of calls since the Hotline was established in 1975 (Together for Children, 16). Of the 41,089 calls to the Hotline, only 5.4% were direct complaints of child abuse and neglect. Most calls received (44%) were from local workers calling to register complaints with the registry. Of the half of the calls not directly related to registering complaints, 24% were miscellaneous calls, such as requests for information about foster care, financial assistance, adult protective services, spouse abuse, or support enforcement, as well as requests for statistics or requests for screening of day care providers or prospective adoptive parents. Almost 10% of the calls were requests for welfare-related information, 8% were messages, and 6% were counseling calls.

The CPS Hotline has three telephone lines which staff believe is an inadequate number given the volume of calls. When all three lines are busy, the caller either hears a busy signal or receives a message that simply notes that the caller has reached the CPS Hotline, that all lines are busy, and that a call back is requested. A separate line for hearing impaired is available, but receives limited use.

2. Information Systems

The Child Protective Services Information System (CPSIS) database is maintained on a UNISYS 1100/93 using EXEC Level 39R4. CPSIS data inquiry and updating is done through three UTS-20 terminals, hard-wired to the mainframe (L. Parker, memorandum, July 28, 1987). Data Management System (DMS 1100), Display Processing System (DPS 1100), COBAL, MAPPER, and the Statistical Package for the Social Sciences (SPSS) software packages are used for processing CPSIS information.

Information in CPSIS is organized by child name, parent name, abuser/neglecter name (the Central Register file), case number, and control number. CPSIS is currently under revision to take care of some of the problems associated with these different files. Originally the system was designed to keep perpetrator names separate from the other information. This approach resulted in a cumbersome system to use, because perpetrator files are not linked to other files. Accuracy of the data is threatened because changes made to one file are not always updated in the other files. For example, a case could be listed as "disposed" on the Central Register file and as "pending" on the other files. It was also difficult to separate institutions as abusers, from staff persons working in the institution as abusers.

Data Processing produces several monthly and quarterly reports for Child Protective Services (e.g., worker caseload report, records to be purged report, 45 day exception "tickler" report, etc.). Some statistical analyses also are done by CPS staff. However, the Registry has limited access to the computer at night and no special priority status during the day.

II. CASE PROCESSING

A. General Description

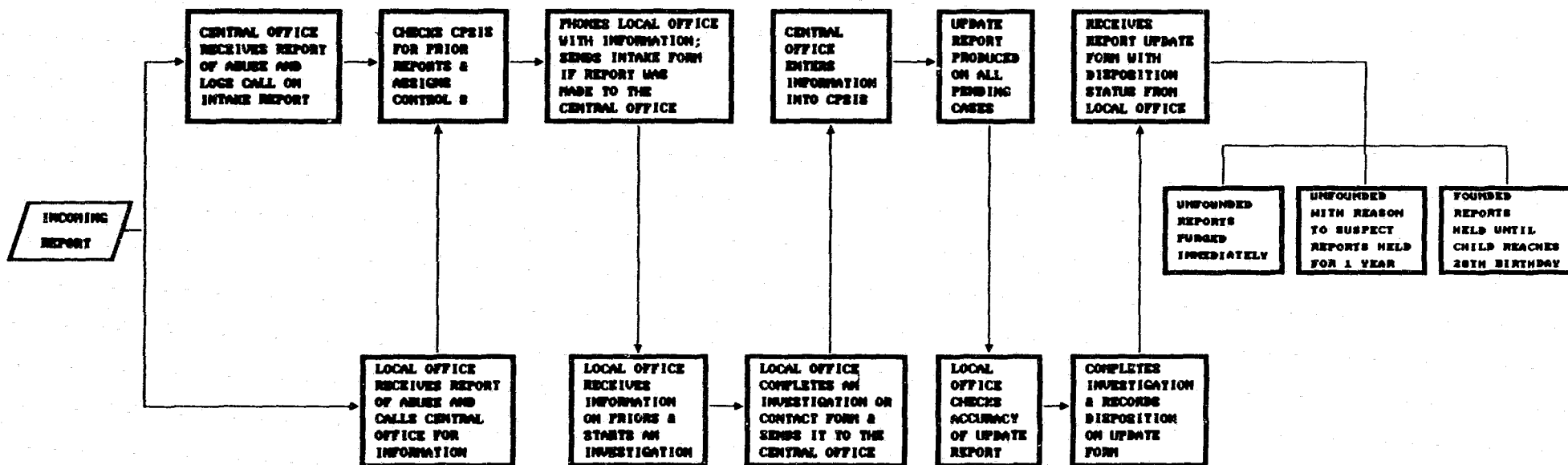
A report of suspected abuse or neglect may be made orally or in writing to the hotline or to the local offices (see Figure 1). State policy recommends that complaints be made directly to the local social service agency, and approximately 89% of the complaints are. When a complaint is received initially at the local level, the worker calls the hotline to request a name search which determines if the child was involved in a prior incident of abuse or neglect. The hotline worker assigns a control number to each child to facilitate tracking in the system. If a complaint is against an institution in which a child is placed for full or part-time services (except foster homes and in-home day care), a special case number is assigned. All complaints must be registered with the Hotline within 24 hours. A "matrix" code establishes the identity of the worker and the consequent right to receive information over the telephone.

Approximately 11% of all child abuse and neglect reports are made directly to the hotline (Together for Children, 16). When a report is received directly by the hotline worker, the worker screens the call to ensure it is a complaint of child abuse or neglect. If it is, the worker logs the call and then searches the central registry for the name. (Figure 2 is a copy of the Hotline Intake Form.) The worker next phones the appropriate local agency and relays information to the local worker. Unless immediate action is required, complaints must be referred to the local agency no later than the next working day (Manual, 9).

Before deciding to investigate a complaint, the local social service agency examines for the following conditions: the child must be under age 18; the alleged perpetrator must be the child's parent or other person

FIGURE 1

VIRGINIA ABUSE REPORT CASEFLOW



CHILD PROTECTIVE SERVICES
 INTAKE - CHILD ABUSE / NEGLECT "HOT LINE"

LOCALITY _____ DATE _____ TIME _____
 FIGURE 2

SUBJECT CHILDREN	NAME (LAST, FIRST, MIDDLE)	SEX	RACE	AGE / DOB	ROLE	CONTROL NO.	CASE NO. (IF ANY)
	B						
	C						
	D						
	E						
	F						

DIRECTIONS TO HOME

ADDRESS

HEADS OF HOUSEHOLD	NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO CHILDREN	ADDRESS	TELEPHONE NO.

NATURAL PARENTS OR GUARDIANSHIP FROM ABOVE

ABUSER / REFLECTOR

COMPLAINANT(S)

POSITION

TYPE OF ABUSE / NEGLECT	A	B	C	D	E	F	CHECK UP TO 5 PER INVOLVED CHILD	- NATURE OF COMPLAINT		
									01 DEATH OF CHILD	
									02 BRUISES, CNTR. LACERATIONS	
									03 BONE FRACTURE	
									04 SKULL FRACTURE / BRAIN DAMAGE	
									05 INTERNAL INJURY	
									06 BURNS / SCALDS	
									07 DISLOCATION / SPRAINS / STRAINS	
									08 POISONING	
									09 INCEST	
									10 OTHER SEXUAL ABUSE	
									11 LACK OF SUPERVISOR / UNATTENDED	
									12 LACK OF FOOD, CLOTHING, SHELTER	
									13 MALNUTRITION	
									14 MEDICAL NEGLECT	
									15 EDUCATIONAL NEGLECT	
									16 ABANDONMENT	
									17 FAILURE TO THRIVE	
									18 EMOTIONAL NEGLECT	
									19 EXCESSIVE DISCIPLINE	
									20 OTHER	

NOTIFICATION TO LOCAL AGENCY

DATE _____ TIME _____

HOT LINE WORKER'S NAME _____

LOCAL AGENCY WORKER'S NAME _____

COMMENTS _____

responsible for the child's care; the agency receiving the complaint must have jurisdiction; and the alleged maltreatment must meet the Department's definition of abuse or neglect (Manual, 10). The DSS agency does not have the responsibility to investigate complaints that do not meet all four criteria and must so notify the person making the complaint.

Upon receipt of a complaint, after establishing its validity and obtaining a control number, local workers are required to conduct an immediate investigation to determine (1) if abuse and neglect occurred or is likely to occur and (2) to initiate services designed to reduce risk of abuse or neglect.

If a report is determined to be unfounded within 14 days, a Contact Report is completed (Figure 3). These unfounded reports are submitted to the Central Registry without subject identifying information. If the report is unfounded, the person making the complaint, the parent, and the alleged perpetrator must be notified of the determination (§ 63.1-248.6).

If the disposition of a case is founded, unfounded with reason to suspect, or pending, an Investigation Report (Figure 4) is completed instead of the Contact Report.

From this record, an Update Report (Figure 5) is generated and forwarded to the local agency for review. During that review, the local agency may make changes, corrections, additions, add the disposition, close the case, or transfer the case within Virginia. The updated information is added to CPSIS and a new Update Report sent to the local worker to ensure that the information is now correct and up to date. All pending reports must receive a final disposition within 45 days of the complaint date.

B. Incoming Reports

The number of investigated child abuse and neglect reports has risen from 21,045 in 1975, the year the state's Child Abuse and Neglect Law

INVESTIGATION REPORT

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PUBLIC WELFARE
CHILD PROTECTIVE SERVICES**

CASE NO. **FIGURE 4**

DATE OF COMPLAINT _____ TIME _____

LOCALITY _____ WORKER _____

HOUSEHOLD ADDRESS (STREET, CITY, ZIP) _____

AREA CODE _____ TELEPHONE NO. _____

CHILDREN	FULL NAME (LAST, FIRST, MIDDLE)	SEX	RACE	ROLE	BIRTHDATE	NUMBER OF CHILDREN IN HOUSEHOLD		CONTROL NO.
						0	1	

NATURAL PARENTS OR HOUSEHOLD MEMBERS	FULL NAME (LAST, FIRST, MIDDLE)	SEX	RACE	ROLE	RELATIONSHIP TO CHILDREN	REPORTED BY									
						1	2	3	4	5	6				

NATURAL PARENTS OR HOUSEHOLD MEMBERS	FULL NAME (LAST, FIRST, MIDDLE)	SEX	RACE	ROLE	RELATIONSHIP TO CHILDREN	REPORTED BY									
						1	2	3	4	5	6				

SOURCE OF COMPLAINT				INVESTIGATION STATUS											
01	ANONYMOUS	06	PRIVATE DOCTOR / NURSE	17	PRIVATE SCHOOL / DAYCARE	A	B	C	D	E	F	1	COMPLAINT PURSUED		
02	SELF-REFERRAL	08	PRIVATE DENTIST	18	YOUTH SERVICES							2	INVESTIGATION PENDING		
03	PARENT/GUARDIAN	11	PUBLIC HEALTH DEPT.	19	COURTS							3	COMPLAINT UNFOUNDED - REASON TO SUSPECT ABUSE/NEGLECT		
04	SIBLING	12	HOSPITAL/CLINIC	20	COACHES										
05	RELATIVE	13	LAW ENFORCEMENT AGENCY	21	CLERGY										
06	LANDLORD	14	PUBLIC SOCIAL SERVICE AGENCY	22	OTHER:										
07	FRIEND/NEIGHBOR	15	PRIVATE SOCIAL SERVICE AGENCY	23											
08	BABYSITTER	16	PUBLIC SCHOOL PERSONNEL	24											

TYPE OF ABUSE/NEGLECT (CHECK UP TO 8 PER INVOLVED CHILD)										MANNER OF INFLICTION (CIRCLE UP TO 4 PER INVOLVED CHILD)												
PHYSICAL ABUSE	A	B	C	D	E	F	PHYSICAL NEGLECT	A	B	C	D	E	F	OTHER A/N	A	B	C	D	E	F		

CODES	SEX	ROLE	RACE	RELATIONSHIP TO PARENT	RELATIONSHIP TO CHILD	T
M - MALE	V - ALLEGED ABUSED/NEGLECTED CHILD	1 - WHITE	A - ADOPTED CHILD	G - GRANDPARENT	B - BABYSITTER	
F - FEMALE	N - NOT INVOLVED	2 - BLACK	F - FOSTER CHILD	R - RELATIVE	I - INSTITUTION STAFF	
		3 - AMER. INDIAN	S - STEP CHILD	N - NEIGHBOR	O - OTHER	
		4 - ORIENTAL	X - NO RELATION	L - PARANOUR OF PARENT		
		5 - OTHER	R - RELATIVE	D - DAYCARE PERSONNEL		

went into effect, to 47,888 in 1986. In 1984-85, a high of 49,765 reports were investigated.

Non-professionals sources make the majority of reports in Virginia. Anonymous callers make the most complaints (19% of the total), followed by friends/neighbors (16%), relatives (10%), and parents/guardians (9%). Among the professional sources, most reports are made by public schools (12%), law enforcement (7%), public social services (6%), and hospitals (5%).

C. Report Information

Cases will be returned to local workers if one or more of the following data elements are missing from the investigation report:

- o date of complaint;
- o locality FIPS Code;
- o case number;
- o member numbers;
- o head of household name;
- o involved child/children names;
- o investigation status;
- o total children in household;
- o total involved children;
- o abuser;
- o date of birth of all involved children (or year of birth);
- o roles of all children;
- o relationship of all children and/or roles and relationships of all persons named on the complaint; and
- o control numbers for all involved children. (Users Guide, 22)

Space is provided for other demographic characteristics, e.g. marital status, education, occupation and household problems, on the reverse side of the investigation report, but these data elements are not required, and therefore not consistently reported.

D. Case Disposition

Three dispositions are possible: founded, unfounded/reason to suspect, and unfounded. Clear and convincing evidence is the standard of proof required in order to consider a case "founded". (This standard was established by Department policy, not by statute.) This is a higher standard of proof than used by many states, and may contribute to Virginia's low substantiation rate. Unfounded/reason to suspect, also referred to as "at risk", becomes a disposition when there is no clear and convincing evidence of child abuse or neglect, but the child's situation "...gives the worker reason to believe that abuse or neglect may have occurred or the child may be at risk" (Manual, 19). The State Board of Social Services has approved a policy change that would change the unfounded/reason to suspect category to a straight "reason to suspect". Substantiated cases are a combination of the founded and the unfounded/reason to suspect categories. Cases are classified as unfounded when a review of the facts shows no reason to believe abuse or neglect exists. The most frequent reasons given for finding a case unfounded was "no evidence" (58.5%) followed by "misinterpreted facts (12.3%). Malicious complaints were cited in 3.2% of the unfounded complaints (Together for Children, 14).

Of the 47,888 child abuse and neglect cases reported statewide in FY 1985-86, 74.8% were unfounded, 17.1% were founded, 7.1% were designated "at risk", and 1.0% were pending (Together for Children, 20). (Comparable percentages for the 49,765 cases reported in FY 1984-85 are 16.7% founded,

7.9% at risk, 75.3% unfounded and .2% pending disposition (1985 Annual Report). Substantiation rate varied by region, but the highest rate of substantiation was 20.8% and the lowest was 11.4% (Together for Children, 20). The percentage of unfounded complaints has increased dramatically since 1977-78. Reasons for the increase include the lack of a formal screening process at intake, increased reporting by non-professionals, and reduced use of the "at risk" category (Together for Children, 13).

The reporters with the highest percentages of substantiation are: law enforcement officials, Department of Public Health workers, siblings, public social service, private doctors and public schools (Together for Children, 18).

E. Records Maintenance

1. Records Retention

By regulation, founded reports are retained in the registry for ten years beyond the child's eighteen birthday. New records retention provisions approved by the State Board and awaiting governor's office comment are expected to take effect January 1989 (Lukhard, 1987). Founded cases and unfounded/reason to suspect cases that are high risk, with the exception of sexual complaints, will be retained seven years and then expunged. The seven year scheme is based on the belief that most abuse that reoccurs takes place within one year of the earlier abuse. Since most abused children are in school after age six and teachers are mandated reporters, seven years was viewed as an appropriate time span.

Unfounded/reason to suspect reports are retained in the registry for one year from the date of the complaint unless another complaint is received. Each month, a computer program prints out those cases eligible for purging according to this policy. Lists are sent to appropriate local DSS

agencies marked "Purge?". The local agency responds with an answer to this question, in effect verifying the accuracy of the date information. Because local DSS agencies are not always prompt in their verification, it is sometimes necessary to repeat the request the following month. Moreover, records are not purged if dates are incorrect or if erroneous dispositions are entered. Therefore, many unfounded/reason to suspect reports have not been expunged after a year as scheduled.

2. Security

The registry and Hotline are located adjacent to each other within a larger state DSS office. There is a high noise level and staff who perform other functions pass through the area. The unit is not set aside with separate locked doors. Social service staff are present twenty-four hours a day in an office building park where private security guards are employed. The location of the registry/hotline is not publicized. No other state DSS computer terminals have access to the registry. The written investigation reports and final reports, submitted by local agencies to the registry, are shredded by the registry within three months after entry into the computer.

Reportedly, some local DSS agencies pay very careful attention to records management and security, while most give no special attention to child protection records.

III. DUE PROCESS

A. Notification

The local DSS agency has the primary responsibility for notifications of investigations, dispositions, and appeal rights. Notifications must be in writing and must include notification of the right to appeal. The local DSS agency is responsible for informing the alleged

perpetrator and the victim (often the child's parents) that their names are in the registry. In its investigation of a complaint, local DSS staff must interview all alleged perpetrators named in founded or unfounded/reason to suspect cases; discuss with them the nature of the allegations, and provide an opportunity for response. Interviews also may take place in cases where no disposition has yet been reached (Manual, 12).

An informational brochure provided to alleged perpetrators informs them of their right to see information about themselves in the case record, unless a doctor's statement prohibits release of medical or psychological information.

B. Procedures

Expungement is a several stage process:

- a. The local DSS agency informs alleged perpetrators that they may discuss the dispositional finding with the social worker. The alleged perpetrator may give the agency a written statement of not more than 200 words, which becomes a permanent part of the agency's record and is included with any disclosure of the record.
- b. The alleged perpetrator may file a written request with the local agency asking for a case review of the finding. The written request should be made within forty-five days after receiving notice of the finding and include the reasons for disagreeing with the finding.
- c. A three person committee composed of employees of the Bureau of Child Welfare Services is appointed to review the appeal. Typically, one is a specialist in policy development, another is a registry specialist, and a third is a program specialist

who has had child protective service experience. By informal policy, each reads both the agency report and the information provided by the appellant, but only one member presents the case analysis. Committee members weigh the appellant's statements against whether the local agency followed and documented approved procedures and whether sufficient evidence of abuse or neglect was presented. The committee strives to reach a unanimous decision. If the decision is not unanimous, the Unit Supervisor reads the materials and meets with the committee. A decision is then reached. Of the 11,583 substantiated complaints during fiscal year 1986, 280 appeals were taken to the three person committee. In 62.5%, the Committee retained the original disposition, in 18.9% they amended a founded disposition to reason to suspect, and in 18.6% they reversed the founded disposition and changed it to unfounded. A decision by the three person committee which is adverse to the local DSS agency cannot be appealed further. Decisions are to be rendered within fifteen working days of the state agency's receipt of the appeal and mailed to the subject by certified mail. Until recently there were only two or three appeals a month. Presently, appeal cases total about twenty-five a month and preempt a major part of the committee members work time. Because of the significant increase in the number of appeals, the time it takes the committee to reach a decision often has been extended to more than thirty days.

d. Alleged perpetrators may appeal an adverse decision to the commissioner of the state DSS. Forty three percent of the adverse committee decisions are appealed. This official's review also is a paper review of reports and statements examined by the three person committee but includes, as well, the one page decision of the committee. The assistant attorney general assigned to the state DSS indicates that the commissioner personally reviews all appeals made to him and writes a one page decision with each case. About one case in five is sent over to the assistant attorney general for a legal opinion regarding points or issues raised with the appeal. It is estimated that perhaps 50 percent of appeals to the commissioner result in expungement.

e. Commissioner decisions are appealable to Circuit Court.

The assistant attorney general, assigned as liaison to the state DSS for thirteen years, could recall just two cases that were appealed to a circuit court. The first involved a due process challenge to the registry and to the appeals process. It was a "shotgun challenge" that contended one's name should not be entered into the registry without a prior hearing, and consisted of other challenges to the investigation procedures. The appellant, a school teacher, alleged damage to his professional reputation. The attorney general's position was that due process did not apply to questions of reputation. Further, the teacher had not lost his position. The Circuit Court dismissed the suit.

The second case involved an appeal of the commissioner's decision that abuse was unfounded. The father of a child, the former husband of the child's mother, had accused the mother's boyfriend of abusing the child. The

father had made this accusation in a custody suit case involving the child. His claim in the Circuit Court proceeding was that he had been denied the opportunity to participate in the appeal process. The attorney general argued and the trial court agreed that only a perpetrator has standing to challenge a decision. The alleged perpetrator did not challenge the decision since the commissioner had ruled the report unfounded. The father appealed the Circuit Court judgment to the Court of Appeals and the case was argued there.

IV. RECORDS USAGE

A. Accessibility and Confidentiality

The statute provides that information contained in the registry shall not be open to inspection by the public, but appropriate disclosure may be made in accordance with department regulations (§ 63.1-248.8). The statute also authorizes the local DSS agency to make its records available to the commonwealth's attorney in specified abuse or neglect cases (§ 63.1-248.6, 5).

Under the Privacy Protection Act, any individual, including the alleged perpetrator, may see all personal information related to himself in the case record. Information identifying other people in the report, however, must be deleted (Manual, 41).

Although the following people are eligible to receive child abuse and neglect information, each request is screened individually by the local department of social services, and only released when disclosure is deemed to be in the best interest of the child (Manual, 41). At its discretion, and without written release from the client, the local agency may release information to the following groups:

- o an agency responsible for treating/supervising a child who is the subject of the complaint;
- o a police/law enforcement officer investigating a report of abuse or neglect;
- o a physician who suspects abuse and neglect in a patient;
- o a person legally authorized to place a child in protective custody;
- o a parent, guardian, or person responsible for a child's welfare;
- o a guardian ad litem;
- o a court;
- o a grand jury;
- o any state/local agency responsible for child protective services;
- o a researcher with prior approval.

Before releasing information to the individuals or organizations listed above, the Department must be satisfied that: it will be used only for the intended purpose; the purpose must be related to the goal of child protective or rehabilitative services; confidentiality must be presented to the greatest extent possible, and the identity of the persons making the complaint must be protected (Manual, 44-45).

Reporters should be notified at the time of the report that the agency will try to maintain confidentiality to the greatest extent possible, but cannot guarantee confidentiality. Circumstances could arise, e.g. court proceedings, where the name of the complainant (must) be disclosed (Manual, 45).

The registry provides information to registries in other states, but will not provide information to out-of-state child care agencies directly unless the request is made through a state registry.

B. Uses of Information

1. Internal Management

Virginia uses registry data for planning, management, and resource allocation.

2. Screening Applicants

A Virginia law requires a criminal record check for persons seeking child care employment. State DSS regulations explicate the persons covered, the procedures to be used, and the consequences to be taken when felony or misdemeanor convictions are found. The regulations also provide for a registry check for persons who provide child care services. No fee is charged for the registry search. There are approximately 14,000 to 15,000 searches annually. It is estimated that 2 of every 500 searches yield reports that are founded, or unfounded/reason to suspect.

3. Research

Virginia produces an Annual Report that contains several analyses of registry data. About three researchers per year, from places such as the University of Virginia and the Department of Corrections, request access to registry data.

4. Diagnosis and Treatment

The delay between the time a case is investigated and entered into the registry as well as the difficulty in keeping names and addresses updated over time, makes it impractical to use the registry for medical diagnosis or to prevent hospital shopping. Virginia is planning to implement a risk assessment policy in January of 1989. The first phase of this plan is designed to test the validity and reliability of the risk assessment instrument. The second phase is to pilot test the redesigned information

system and the third phase is to implement the risk assessment process (Lukhard, Attachment B).

Virginia has 74 Multidisciplinary Teams which coordinate services for children and their families. To promote networking among them, a Subcommittee on Multidisciplinary Teams of the Governor's Advisory Committee has representatives from each region and the military community.

5. Public Education

The Virginia Department of Social Services conducts an extensive campaign to increase public awareness of child abuse and neglect. The Department produces many pamphlets on such topics as child abuse, disciplining children, child neglect, sexual abuse, latchkey children, and getting along at home. They also supply lists of organizations where further information or services can be obtained.

V. FUTURE DIRECTIONS

The attorney general's office has a task force working on issues of confidentiality with child abuse and neglect. The task force is considering a proposal that could eliminate the anonymity of a complainant following a series of malicious complaints. If adopted in its proposed format, a complainant's name could be released to the alleged perpetrator on the third complaint against the same perpetrator when two prior complaints against this perpetrator have been dismissed as unfounded.

Also under consideration is a new expungement procedure that would eliminate the current three-person review committee and the commissioner's review, and substitute:

- a. A mandatory conference at the local agency level that involves the alleged perpetrator, the agency social worker, and a supervisor who is not the supervisor of the worker; and if needed,
- b. An appeal to a hearing officer employed by the state DSS. The hearing officer may be a lawyer or a social work-trained hearing officer who had received specialized training.

It is uncertain whether the current appeal process, established by regulation, is within the scope of the Administrative Procedure Act. If it is, the next question is whether all requirements of the Administrative Procedures Act apply. A recommendation may be made to seek passage of a statute in the welfare section of the laws that sets up this appeals process, thereby clearly removing it from coverage under the Administrative Procedures Act.

The proposed appeal process would authorize the local agency supervisor to change the status of a report and thereby significantly reduce the number of formal appeals to the proposed hearing officer.

PART IV

CONCLUSIONS

The questionnaire survey in 1986, the telephone survey of 1987, and the site visits all point to two conclusions:

- o There is a tremendous variety in recordkeeping practices, due process safeguards, and data usage among central registries.
- o Every registry is in the process of changing some aspect of its procedures, whether recordkeeping, risk assessment, central hotline or computer system.

Accordingly, the picture of registries taken in this report is a snapshot and even some of the descriptions presented here, detailed and comprehensive as they may be, soon will be dated. Furthermore, the changes do not appear to be following a consistent trend. For example, in 1987 the state of Washington repealed the statute authorizing the central registry, while Indiana just established a central registry. Some registries, such as Colorado's, now are removing unsubstantiated cases from their registers while others are adding unsubstantiated cases to their registers. Some registries, such as Louisiana's, are decentralizing their hotline while others, such as Florida, are in the process of increasing the centralization of their hotline.

Some of the changes to central registries were programmatic and driven by a desire to improve the current system, while others were a reaction to severe budgetary constraints. Threats of either drastic budget cuts or transfer of functions to other agencies were very real in some states. This period of change for registries has frustrated many registry staff and has caused some of them to question the very purposes for which central registries were established.

A. Expectations and Realities

As noted in Part I, registries originally were established to perform four major goals--diagnosis, tracking, research and case management. The results of this research project suggest that these goals have changed since the 1960's when registries first were established. This is a result of the relationship between registry goals and practices. The goals dictate registry structure--how records are organized, what due process safeguards are required, and what resources are needed. Registry structure, in turn, affects the goals that can be accomplished. The way records are organized, the due process procedures required, and the resources available limit the functions registries can perform. However, registries continue to be judged on how well they perform the original functions of registries rather than on how well they perform the changed functions of registries. Differences in the expectations and the realities of registry functions may account for some of the criticism they have received and for some of the frustration registry personnel have experienced.

B. Actual Functions Registries Perform

If registries are to reduce the discrepancy between the goals for which they were established originally and the functions they actually perform, those actual functions must be specified. A recent Canadian study (Bala, 1987) concluded that there are only two legitimate functions of central registries: (a) screening, which requires a register of perpetrators identified by name and (b) research, which requires a register of victims not identified by name. The next section will review six potential functions of central registries in the United States, and

conclude that most of these functions are still appropriate, even though the nature of the functions has changed over the years.

1. Diagnosis and Tracking

Part I explained that central registries originally were established to assist the medical community in diagnosing and tracking cases of abuse and neglect. These treatment goals of registries, however, have been transformed over time and should not be used as criteria for evaluating registry performance. The reasons for the changes are both theoretical and practical.

As early as 1977, Besharov (1977) cautioned against using prior reports for diagnostic purposes. He reasoned that the existence of prior reports could cause professionals to assume the worst and report a person just because that person was reported previously even if the prior report was unfounded. Conversely, the absence of prior reports could discourage reporting a case that should be reported. Given this logic, many states have concluded that potential reporters should not know about previous reports--all reasonable suspicions should be reported.

Practically, the discussion of the treatment model in Part II demonstrated that to be maximally effective, diagnosis and tracking require a tremendous amount of resources. These include the retention of substantiated and unsubstantiated reports for a long period of time, a computer system able to quickly retrieve records at any time of the day or night, perhaps while the child is still in the hospital, the ability to update records to account for changes in names and addresses even when there are no further reports of abuse or neglect, the ability to transmit that information by telephone, and the authorization and resources for sharing information across jurisdictions, including military

jurisdictions. No registry was found that could be judged favorably on all these treatment-oriented criteria. (If such a registry did exist, it probably would be subject to criticism for lacking due process safeguards.)

As early as 1974, the American Humane Association concluded that a central registry "...does not and should not function as a diagnostic tool" (emphasis supplied, Besharov, 1977: 710). Bala (1987: 123) also posited that perhaps "...'hospital' or 'doctor shopping' is not as common as was originally thought." In 1983, the authors of Child Protection: A Guide for State Legislation wrote of the benefits of eliminating diagnosis as a function of registries: "Rules and access to the Central Registry data can be simplified, the operation of the system can be less costly, the rights and privacy of citizens are more easily protected, and the effectiveness of the Central Registry in meeting its other functions can be enhanced" (Child Protection). Given the practical and theoretical problems associated with diagnosis and tracking, it is not realistic to expect registries to perform these functions routinely. This is not to say, however, that some diagnosis and tracking should not be done or is not being done in conjunction with clearinghouse activities. For example, all registers can be searched for prior reports, and prior reports may be the key element in identifying patterns of abuse. These record searches, however, should not be classified as diagnosis. Although diagnosis may sometimes be the result, it is more appropriate to classify registry searches as a clearinghouse function and it is on clearinghouse criteria that registers should be evaluated.

2. Case Clearinghouse

The primary activity performed by all registries is the facilitation of investigations conducted by local social service agencies by serving as a clearinghouse for case information. Registry clearinghouse activities include:

- o providing names, addresses, and relationships to help local offices identify all subjects of reports;
- o checking the register for prior reports of abuse or neglect;
- o cross checking registry records with records of other services provided;
- o adding, amending, or deleting records on the register;
- o using risk assessment models to help determine the urgency of investigations, and
- o serving as a switchboard for inter-agency messages.

Although some diagnosis and tracking may be accomplished as a by-product of searching the register, the focus of the case clearinghouse function is different. Clearinghouse activities are designed to facilitate the investigation. The character of the investigation itself will be affected by the types of records retained on a registry (unsubstantiated as well as substantiated), the level of evidence necessary to get a report placed in the registry, and the length of time reports are kept on the registry before being expunged or purged.

3. Research

Research continues to be listed as a primary goal of central registries. In some registries, research simply means the storage of data related to child abuse and neglect. In other registries research means studying the nature and causes of child abuse and neglect, examining the incidence and trends in child abuse and neglect, or developing risk assessment models. The data retained on registries will,

to some extent, determine the amount of research that can be done. For example, the research enterprise will be different in registries which retain unsubstantiated cases and those which do not, in registries which retain identifying information and in registries which do not, and in registries which quickly purge and expunge records and in those which do not.

The original purpose of research using registry data was to determine the nature and causes of child abuse and neglect. This goal turned out to be more difficult to attain than anticipated because there are no neat, discrete sets of characteristics that distinguish child abusers from the general population. Indeed, it has been difficult to even measure the incidence of child abuse and neglect. In addition to disagreements over the definition of what constitutes abuse or neglect, the count itself depends upon reporting rates. Reitz (1984: 5) argues that complete statistical data on incidence cannot be obtained because much maltreatment goes unreported and because reporting itself reflects both the visibility of particular types of maltreatment and the reporter's perception of what constitutes child abuse or neglect. Perhaps this one reason why Besharov (1978: 503) contends that a properly-operating registry should encourage reports of suspected abuse and neglect through educational campaigns. The complexity of the research questions on the incidence, nature, and causes of abuse and neglect help explain why this original research objective is now often an academic enterprise that touches registries only to the extent that accessibility to registry data must be granted to researchers. Registry data, however, can be used more than it has been for research on the

nature and causes of child abuse. Indeed, many registries now contain sufficient data to permit longitudinal analysis.

One of the difficulties facing registries is how to determine whether a report of abuse is legitimate and should be investigated. A few research studies have attempted to develop instruments to help registry personnel make such decisions. These instruments help the worker evaluate the risk of harm to a child by reviewing a set of child and family factors commonly associated with maltreatment. One example of a research-based system of risk assessment was developed by Christopher Baird et al (1988) of the National Council on Crime and Delinquency. The data elements, listed below, are based upon a sample of 550 cases referred to Alaska's Family and Youth Services in 1985. In 91% of the highest risk cases (scores of 12 or above) children either were removed from the home subsequently, or later reported for another case of abuse. At the other end of the scale, only 6 of the 124 low risk cases were children either removed or later abused.

Abuse Factors

Number of prior reports of abuse.

Number of prior placements outside of family residence.

Number of abuse/neglect categories noted in current referral.

Number of adults in home (18 or older).

Number of children in home.

Either caretaker abused as a child.

Caretaker history of drug/alcohol abuse.

One or both caretakers has a criminal history (other than traffic offenses).

Caretaker(s) primarily involved in negative social relationships.

Caretaker(s) history of depression.

Cooperation with agency demonstrated by perpetrator/caretaker(s).

View of abuse by non-perpetrator/caretaker(s).

Neglect Factors

Number of prior referrals for neglect.

Number of prior placements outside of family residence.

Either caretaker neglected as a child.

Single caretaker home at time of referral.

Caretaker(s) history of drug/alcohol abuse.

Age of youngest caretaker at time of referral.

Number of children in home.

Caretaker(s) primarily involved in negative social relationships.

Motivation for change demonstrated by perpetrator/caretaker(s).

Some software companies are now selling computer assisted risk assessment models to help social workers make or confirm decisions to intervene.

Figure 1 shows that a number of states are using risk assessment models and that several others are in the process of developing risk assessment tools. Models that can identify characteristics of perpetrators who are more likely to repeat their offenses against children or identify the probability that certain children are more likely to be abused or neglected under certain circumstances, will be powerful tools for the prevention of child abuse. Furthermore, data required to construct risk assessment models also can provide a guide to registry personnel of the types of data that should be collected and maintained by central registries.

FIGURE 1

Use of Risk Assessment Instruments by Central Registries

States Using
Risk Assessment

Arizona
Delaware
Florida
Georgia
Hawaii
Idaho
Illinois
Kentucky
Louisiana
Mississippi
Ohio
Oregon
Utah
Vermont
Washington
West Virginia
Wisconsin
Wyoming

States Developing
Risk Assessment

Alaska
Arkansas
Colorado
District of Columbia
Indiana
Iowa
Montana
North Dakota
Oklahoma
South Dakota
Texas

States Not Using
Risk Assessment

Alabama
California
Connecticut
Kansas
Louisiana
Maine
Maryland
Massachusetts
Michigan
Missouri
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
Pennsylvania
Puerto Rico
Rhode Island
South Carolina
Tennessee
Virginia

In summary, registry data has been underutilized for purposes of research. There is the need for more research using registry data. The increasing use of research to develop risk assessment tools is a promising step in that direction.

4. Public Information/Education

A major purpose of central registries is to increase the level of awareness of child maltreatment. Knowledge of the nature and extent of the problem of child abuse and neglect is intended to encourage reporting of appropriate incidents of abuse and neglect, and perhaps even encourage potential perpetrators to seek services. Registry data can be used to assess reporting rates among medical practitioners, social service staffs, school personnel, and others in order to determine the need for education about child maltreatment and the necessity for reporting incidents of abuse.

5. Screening

A relatively new use made of registry data is screening applicants for positions of trust with children--day care positions, suitability as adoptive or foster care parents, or determining the eligibility of agencies to obtain or retain licenses to work with children. Applicant screening involves searching through register records to determine if an applicant is listed as a perpetrator in a substantiated report of abuse. Because the potential exists to deny eligibility for adoption or foster care, child care licenses, and perhaps employment in child care, more attention must be given to safeguarding the rights of the suspected perpetrator than is necessary for other registry functions. More attention must be accorded to due process, especially notification that a name is about to be entered onto a

register, the steps necessary to remove a name or amend a record, and procedures to appeal unfavorable decisions of registry staff.

In addition to the due process requirements imposed by screening, and discussed further in the due process section of Part IV, the decision of a registry to permit or prohibit screening has an administrative dimension. For example, registries that currently do not index their files by perpetrator would have to do so. Even more important is the question of efficiency. Is it worth a search through thousands of names to find a "match" in only a few cases? Site visits to registries that conduct applicant screening indicated that the "match rate", the number of applicants listed as perpetrators in substantiated reports of abuse, is very low. Low "match rates" are to be expected, especially in states which require that applicants consent to any search of the central registry. The registries visited had match rates of approximately one percent. Of course, this low match rate must be balanced against the number of acts against children that could have been instituted by even a small number of perpetrators and against the number of applicants who were deterred from applying for positions of trust involving children because of the screening requirement. (For comparison purposes, the match rate found in searches of fingerprints for FBI criminal histories is eight percent and the match rate in searches of criminal records for employment licensing ranges between four and eight percent.)

6. Management and Planning

Management and planning are not direct goals of central registries themselves but are essential to the functioning of any organization. In short, management and planning are enabling goals encompassing the support functions necessary to the maintenance of the

registry itself. The management and planning function uses of registry data include:

- o monitoring the progress of cases to make sure that none fall between the cracks or are unduly delayed;
- o forecasting the number and distribution of future reports of abuse and neglect to facilitate planning;
- o assisting managers with personnel, financial and facility allocations;
- o providing benchmarks against which to evaluate performance;
- o preparing workload-based budgets to seek the funds necessary to continue the operation of the registry .

According to Reitz (1984:47), registry personnel must be careful not to antagonize service agencies by too much case management and centralized monitoring. Over monitoring could backfire and actually interfere with the effectiveness of registries.

In summary, the major functions registries currently perform include (a) the clearinghouse function, (b) the research function, (c) the public information function, (d) the screening function, and (e) the enabling function of management and planning. Registries differ not only in terms of the number of functions they perform but also in terms of the extent to which they perform individual functions. For example, in some states the clearinghouse function may consist of receiving reports of abuse, checking the register for prior reports, expunging reports, and generating notification letters to the appropriate individuals in a report, but in other states the clearinghouse function may consist only of maintaining a register of reports of abuse and neglect while all other activities are performed at the local level.

Although each registry may perform a different number of functions and perform the same functions in different ways, all registries require a system of management for monitoring the effectiveness of task performance. The next section will discuss possible indicators for measuring registry task performance.

C. Monitoring Registry Performance

Posavac and Carey (1980: 105) hold that "In order to manage a human service program effectively, it is necessary to know who receives what services from whom and when the service is given." They explain that such information also is helpful in planning for the future and in redistributing resources when necessary.

In order to assess the effectiveness of a central registry, relevant measures are needed that address the specific functions of registries. Two kinds of measures are presented below: (a) measures for monitoring intra-registry activities and (b) measures for monitoring inter-registry activities which allow comparisons across registries to be made. Some measures are more appropriate for one function than for another; others may be appropriate for more than one function. The measures listed below cover basic registry functions. Some registries may need to subtract from or add to the list depending on the registry's specific activities. A discussion of the general data requirements needed for producing reliable and valid measures concludes the section.

1. Measures for Monitoring Registry Performance

a. Intra-Registry Measures

Intra-registry measures consist of three types: (a) caseload measures, which focus on case volume and backlog, (b) caseflow measures, which focus on the time intervals between the receipt of a report and its entry onto the register, and (c) resource allocation measures, which

consider caseload and caseflow measures in light of personnel, equipment, and monetary resources.

(1) Caseload Measures.

Caseloads measures quantify past workload and assist in estimating the volume of future cases. The main caseload measures are:

- o number of reports received
- o number of reports investigated
- o number of reports substantiated
- o number of cases pending investigation.

Each caseload measure also can be broken down by type of report, geographic jurisdiction, and time frame. These additional control variables help managers in identifying patterns for making staff assignments and allocating other resources. For example, some types of cases (e.g., fatalities, sexual abuse) or some local jurisdictions (e.g., urban areas, bilingual areas) may demand more resources than others.

Caseload data also should be examined over time. An historic perspective will help managers notice unusual fluctuations in the data. Moreover, historical data may be used for estimating future caseloads. The volume of reports are recorded over time, a trend is established, and then the trend is extended into the future. Another method of estimating caseloads is to relate reports to an independent variable, e.g. population, and then to forecast reports of abuse or neglect based upon known trends in the independent variable.

From the basic caseload measures presented above, plus the control variables, a set of measures can be derived:

- o number of reports received by type, e.g. physical abuse, sexual abuses, neglect, etc.
- o number and types of reports received by geographic jurisdiction, e.g. physical abuse, sexual abuse, and neglect by county.

- o number and types of reports received over time, e.g. increase in physical abuse, sexual abuse, and neglect over time.
- o ratio of reports investigated to reports received (may also be broken down by casetype, geographic jurisdiction, and time). If there had been a backlog of cases, it is possible for this percentage to exceed 100.
- o differences in the percentage of cases awaiting investigation over time (by emergency status, casetype, and geographic jurisdiction).
- o number of cases substantiated as a percentage of reports received (by casetype, geographic jurisdiction and over time).

(2) Caseflow Measures.

Caseflow measures are used in monitoring cases to prevent undue delay. More sophisticated caseflow measures can be produced by registries that are automated. Basic caseflow measures include:

- o the percentage of telephone calls unanswered
- o the percentage of calls in which a busy signal was received
- o the average response time to the local investigating agency
- o the average time between receiving a report and entering it onto the register
- o the average time it takes to update or amend a report
- o the number of cases that have not been investigated or disposed within established time standards.

Many of these measures also can be broken down by type of abuse report, geographic jurisdiction and time frame.

(3) Resource Allocation Measures.

Caseload and caseflow measures are necessary to estimate workloads, but managers must view these in terms of the resources available. Resource allocation measures break down caseload and caseflow

measures by personnel and equipment resources. Examples of measures include the number of reports investigated by each worker, the number of calls received per telephone line, and the number of hotline calls taken by each worker during the course of a day.

b. Inter-Registry Measures

Comparisons across states may assist case managers by placing the problem of child abuse and neglect within a national context. For example, is the incidence of abuse increasing throughout the nation or is the increase concentrated within a particular city, state, or region of the country? Typically, these measures are recorded in terms of "rates." Three basic inter-registry measures are presented below.

(1) Abuse/Neglect Rate

One inter-registry or inter-state measure commonly used compares the rate of child abuse and neglect cases among states or cities. A relative index of the incidence of abuse and neglect is created by comparing abuse cases per 100,000 population. This rate is calculated separately for each type of abuse or neglect, by geographic area, and by time frame.

(2) Substantiation Rate

Other than the incidence of various types of abuse and neglect, the most common measure of abuse or neglect is substantiation rate. Victims of Child Abuse Laws (VOCAL) and other parent advocate groups consider low substantiation rates to be evidence of unwarranted intrusion into family life and deplore the fact that innocent people are traumatized by false accusations (Spiegel, 1985). The Eberles' (1986: 146) contend that 70% of all child abuse reports are unfounded and that "...any system that produces seventy percent error is faulty or deficient."

The American Association for Protecting Children (1987: 8) reports that 42% of the children maltreated in 1984 had their cases substantiated by child protective services. State substantiation rates are presented in Figure 1 of Part III. Before substantiation rates can be compared across states, they should be controlled for: (a) standards of proof used by the investigating team, (b) clarity and scope of the definitions of abuse and neglect, and (c) the number of disposition categories used.

(3) Fatality Rate

Fatality rate is one measure of the relative seriousness of the problem of abuse and neglect. This measure should be reported by type of abuse or neglect, geographic area, and time frame. In addition, an important measure is the percentage of fatalities in which the child victim was the subject of a previous report of abuse or neglect.

2. Data Requirements for Monitoring Registry Performance

No matter which functions a registry performs and which measures are used for monitoring registry performance, accurate and complete records are a necessity. A registry is only as good as the data it maintains. Its performance will suffer if information kept on the register is not verified, complete, and up-to-date.

Nineteen of the registries responding to the questionnaire survey discussed in Part II, expressed concern about the accuracy of their registry data. The accuracy of data is related to the effectiveness of the reporting procedures, the number of reports received, and, in some cases the extent to which data collection is automated. Accuracy can be improved if reporting forms are easy to complete, contain a workable number of data elements, and have clear definitions of what is required. There also is a link between usage of data and its quality. If those

required to report data to the state level know how it is used, they may be more conscientious in making reports. Accuracy is one of the justifications for granting subjects of a report access to review registry information.

Completeness of information in a register was the most frequently cited data problem in the questionnaire survey. All organizational personnel must compromise between obtaining all of the data elements they want and the cost of obtaining each additional data element. Completeness requires that priorities be set for collecting specific data elements. If a set of data elements, e.g. demographic information, is reported sporadically, workers either should be instructed to report the elements or the elements should be eliminated. Optional information should not be collected.

Finally, information in central registries must be available when needed. If registries have a period of delay before reports are entered onto the register, or if there is a backlog of reports waiting to be entered, the effectiveness of the registry is impaired. By the same token, records should be purged when required.

Records retention and destruction schedules for registries should be developed in conjunction with each state's records management program. In developing a records retention schedule, each record series is first identified and described, and then evaluated for administrative, legal and historic value. Administrative value is the period of time the report is needed by the agency. Legal value is the time period that the records are required for follow up actions or should remain active for future records checks or screening purposes. Research or historic value is the value placed on a series of records by archivists responsible for

considering long term research interests. States have different approaches to the expungement or purging of registry records. Some states simply seal records and deny access to anyone without a court order. In other states the records are physically destroyed and the index obliterated. Sometimes, an effort is made to have collateral records maintained by other agencies destroyed as well. Retention and destruction schedules are recommended as part of an overall records management program.

To ensure that data are accurate, complete, and timely, a quality control procedure should be established. Reports should be scanned to see that all entries are completed. For automated registries, edit programs should be written to scan incoming reports for inconsistencies or errors. For example, it is easy to set parameters that make it impossible to enter more than 31 days in a month. Errors uncovered during an edit should be placed on an "errors list" in order that recurring patterns of errors can be identified, the cause of errors determined (including ambiguous instructions, troublesome data elements, or individuals requiring training), and corrective action taken.

Similarly, field audits of a sample of actual reports should be made periodically. The audit should include a cross-check of data in the registry with data in local case files. Workers could be asked to classify certain types of hypothetical reports to determine how consistently data are being classified. A training manual, complete with illustrations of common problems, should be used to train new employees and be available for reference by all employees. Refresher courses should be conducted periodically.

D. Using Technology to Facilitate the Performance of Registry Functions

The importance of automated technology such as computers and telephone hotlines in processing central registry information varies for the different registry activities. The costs and benefits of automating must be weighed separately for each registry function. The consequences of not automating may be more severe for some functions than for others. For example, the case clearinghouse function of central registries in many states includes accepting reports of abuse and neglect. In these states, a sophisticated centralized hotline may increase the timeliness with which a potentially abusive situation is investigated. In this case, the costs associated with improving the timeliness for investigating reports of abuse are minimal compared with the benefits of saving a child from an abusive situation. For registry functions, such as public information or research, the benefits of a hotline are not as obvious.

The costs and benefits of automating a registry's functions depend on the registry's structure and resources. Few organizations have limitless funds for purchasing computer systems and other office automation equipment. Given limited resources, registries must set priorities among the functions they perform. For example, some states may emphasize screening applicants for child care positions while other states may give this function a low priority. States that emphasize the screening function may find it beneficial to develop an automated system for searching the register for specific names and generating a report letter based on the results of the search. Other registries may prefer to use their resources for enhancing one of the other functions.

Appendix J presents one approach for allocating resources to automation needs. As explained by Posavac and Carey (1980: 91), the approach involves four major steps: (a) deciding on the appropriate criteria for making the decision, (b) weighing the subjective importance of each of the criteria, (c) evaluating each alternative with regard to the criteria, and (d) combining the evaluations into an overall judgment. The most important step, however, in any decisionmaking process is to specify at the outset what the registry's automation needs are. Often, pieces of a system are purchased independently with no understanding of how they might or might not work in conjunction with one another. If a larger picture is kept in mind when obtaining equipment for specific purposes, there will be less need for "patching" systems together at a later time.

E. Due Process Issues Related to the Performance of Registry Functions

Due process requirements are tied inevitably to the records a registry maintains and the purposes for which the records are used. These requirements cannot be viewed in isolation, but as part of a dynamic tension between confidentiality and accessibility of registry records. For example, availability of unsubstantiated reports on a register facilitates the major functions of registries by making it easier to locate prior reports, find patterns in the reports, and have more data available for research and public information. At the same time, retaining unsubstantiated cases on a central register is a greater threat to civil liberties and thus requires more due process safeguards.

No matter what records are maintained or what uses are made of registry data, however, some basic due process safeguards are necessary.

Due process issues surrounding notice, right to review, accessibility and expungement and purging of records are addressed next.

1. Notice

All states should notify perpetrators (and sometimes other subjects of a report as well) that a substantiated report has been entered onto the register. In Bohn v. County of Dakota (1985), actual notice of complaint was provided by the continued involvement of a social worker who was offering to work with parents voluntarily. In one of the landmark decisions relating to central registries, the New Hampshire Supreme Court in Petition of Bagley (1986: 340) held:

In the future, when the division [Division for Children and Youth Services] determines that a report of child abuse or neglect is 'founded, problem resolved', the division must provide written notice to the person determined to be the perpetrator of the incident of abuse or neglect. The notice must set forth the nature of the report and the reasons underlying the division's determination. In addition, the notice should identify the perpetrator as such. Finally, the notice shall inform the perpetrator of his right of access to the information stored by the division, as well as his right to challenge the determination in an administrative hearing. If the determination is upheld after a hearing, the division must provide the perpetrator with a written statement of the reasons for its decision to uphold.

This ruling was based on the Court's finding, under the state constitution, that a founded state registry report amounts to a deprivation of constitutionally protected liberty, since it adjudicates a status of potentially injurious consequences. The Court rejected the division's claim that its confidential manner of records' management obviates any danger of stigmatization, since record information may be exchanged under certain circumstances to agencies and individuals and may prevent, for example, the issuance of a day care license. In Bagley (1986: 338), the Court warned that "...the principles of due process are

our most effective shield against these dangers. In our zeal to prevent the abuse and neglect of children, we ought not to forget them." Because other state supreme courts may enter similar rulings, states not now providing notice or adequate notice should implement effective notice provisions.

Whether written notification is necessary in conjunction with reports under investigation and unsubstantiated reports is still unresolved, and only a few states presently require written notification at this early point in the process. Social service agencies are not law enforcement agencies, and are not required to provide Miranda warnings. Presumably, the vast majority of suspected perpetrators have been interviewed by child protection staff who make them aware of the investigation. Written notification of an investigation in process does not seem to be a due process requirement. If a case is filed in juvenile court, of course, the respondent is served with actual notice.

Requiring notice in conjunction with an unsubstantiated report is a more difficult question. Although child protection staff may believe there is no need to provide notice to perpetrators when an investigation has resulted in an unsubstantiated report, the suspected but exonerated perpetrator may have a different view especially in a jurisdiction where unsubstantiated reports are retained for many years. At its discretion, the registry may wish to provide written notice that a report has been found to be unsubstantiated, what information is retained in the registry and for how long, and how the retained information may or may not be used.

2. Right to Review and Appeal

The right to review records and to appeal reports of abuse and neglect can be expected to increase as the screening functions of registries expand. Adequate due process safeguards require three levels of review--review by the state or local agency, review by an independent hearing officer, and review by a court.

A review by the registry personnel, done either at the state or local level, allows registry staff to reassess the adequacy of the investigation and the evidence used to substantiate the case. The right to agency review should be available for a reasonably limited time, as long as a provision for a good cause exception to a speedy time deadline is available. For example, a newly-imposed state requirement for child care employment screening may prompt a request to review an old substantiated report. At this level of review, written notice of agency decisions should be provided, together with a notice of the opportunity to request a fair hearing.

The second level of review is review of record challenges by an officially designated hearing officer or administrative law judge. At this level, appellants should have the right to be represented by an attorney. In states with large geographic areas, hearings should be conducted in several regions of the state. The fair hearing process requires agency staff to prepare for the use of witnesses. A hearing officer may require a higher level of proof to sustain a substantiated report than is used by an agency. Accordingly, there is a danger that the registry will be too willing to stipulate to a request for amendment or expungement of a report. Unfortunately, the opportunity to overturn an agency's decision may stimulate more requests for fair hearings, but

that is the price that must be paid in order to guarantee each alleged perpetrator an opportunity for a fair hearing. Fair hearings should be held in a timely fashion, decided expeditiously, and the written findings sent to both the agency and the appellant. The written decision should provide notice of the right to appeal to a court.

A state's administrative procedures act normally will direct that appeals from a fair hearing go to a trial court. Court procedures and practices are specified by law and court rules need not be discussed here except to note that appeals to courts are possible. Again, it is possible that some agency decisions will be overturned at the court level because courts tend to use a higher standard of proof for conviction than is used by child protection agencies to substantiate a report of abuse or neglect.

3. Accessibility and Confidentiality

The operation of a registry itself requires that registries keep files which identify subjects of reports by name. Besharov (1977: 692) notes that all government agencies "...must have an index of cases if they are to function coherently". The necessity of registry personnel to have access to files is not questioned. Indeed Weisberg and Wald (1984) argue that too little confidential information is available to protective service agencies. The question that arises is how many other individuals and agencies should have access to registry data, for what purposes, and under what conditions. As noted in the site reports, most states have regulations clearly specifying the conditions under which individuals and agencies are granted access to registry information. Access for performing most registry functions is non-controversial. Much of the information used for management and planning, public information, and

even most types of research do not require that individuals be identified. Most registries have provisions for releasing information that identifies subjects of a report for the purpose of conducting longitudinal research on the long term effects of child abuse and neglect. Although both clearinghouse and screening functions require that registry personnel access subjects of a report by name, the clearinghouse function is less of a threat because registry personnel are bound by professional codes of conduct from disclosing information to unauthorized personnel. Forty-seven of the 50 states have criminal penalties associated with the unauthorized disclosure of registry information, which also creates a civil liability. (The three states which do not appear to have specific provisions for sanctions are Idaho, Kansas, and North Dakota.)

The real issue of accessibility and confidentiality of registry records occurs when data are used for screening. Care must be taken with reports that are released to other agencies, which have the authority to deny an adoptive child to prospective parents, licenses for child care services, or employment opportunities to applicants (or in other words, all situations where reports of abuse and neglect are provided to other agencies and undesirable consequences may result). Because screening involves the dissemination of information to other agencies, screening activities are not just an additional function of central registries, but a different function requiring more due process safeguards. Another way of saying this is that registries which have sufficient due process requirements to perform the screening function, should have sufficient due process safeguards to perform all other registry functions as well.

One option registries have is to separate the files used for screening applicants from other registry files, or to require a different level of evidence required to substantiate in cases where a licensing decision is to be made.

No legal cases have been identified in which the use of central registry files for screening potential adoptive parents has been challenged. Presumably, the law does not question the necessity of assuring the safety of the child unless the procedures established can be shown to be inimical to the child's interests.

One potential area of controversy in the future is the use of registry records for criminal investigations and employment screening. What due process safeguards would be needed if registry data were used to screen for employment? Howard Davidson contends:

"Any proposal to use the Civil Child Abuse Registry for employment screening is likely to be met with strong opposition from civil liberties groups concerned about the fact that a registry entry can be made on a suspected 'perpetrator' of child maltreatment by government social services personnel merely on the basis of a cursory investigation by an untrained caseworker or an anonymous report. The stigma associated with being entered in the registry, it is argued, is not justified because of the lack of due process of law. These registries were set up to track abused children, not adults who might be applying for jobs."

The issue of access to central registry data for the purpose of criminal investigations and prosecutions has not appeared as an issue for discussion in law journals and has arisen only occasionally in case decisions.

In Iowa v. Jackson, however, the issue was raised on appeal by an individual criminally prosecuted for abuse. Iowa statutes provided that (a) a copy of a report of suspected child abuse should be sent to

the local county attorney and (b) that the central registry is confidential except for limited access, not including access by criminal authorities. The appellant's argument was that providing the earlier copy of the report to the county attorney was inconsistent with the statute's provisions on confidentiality. The court agreed that the county attorney could not have subsequent access to the registry, but the court also ruled that the subsequent confidentiality does not prevent the county attorney from receiving the earlier report.

A number of states allow courts to determine whether central registry data must be provided in a specific matter. This approach was upheld specifically in Illinois, when a defendant sought access to the registry. In Illinois v. Erp the court approved a statute which provides for in camera inspection to determine whether information is relevant, and public disclosure necessary for resolution of an issue before the court. (See also Pennsylvania v. Ritchie).

4. Expungement and Purging of Registry Records

It was noted in Part II that the most due process-oriented registries tended to not keep unsubstantiated reports on the registry. The main benefit of not keeping unsubstantiated reports on the register is that it reduces the chance of unfairly stigmatizing innocent persons. The corresponding disadvantage is that the suspected perpetrator cannot document harassment. One innovative solution tried in three states is to allow the suspected perpetrator to request that his or her name be retained on the register even if the report was not substantiated. This allows the accused person to prove harassment by documenting several unsubstantiated reports made by the same person. It also allows the

accused person to verify that the charges of maltreatment were unsubstantiated.

The main beneficiary of keeping unsubstantiated reports on a register is the child victim. Unsubstantiated reports may reveal a pattern of abuse that is not evident in any one isolated incident. In addition, some reports are unsubstantiated only because the family cannot be located, the results of the investigation are inconclusive, or the family has agreed to seek counseling or other services.

F. Conclusions

1. General

- o MOST REGISTRIES ARE IN THE PROCESS OF CHANGING SOME ASPECT OF THEIR RECORDKEEPING FACILITIES OR DUE PROCESS SAFEGUARDS.
- o THERE IS A TREMENDOUS VARIETY IN RECORDKEEPING PRACTICES, DUE PROCESS SAFEGUARDS, AND DATA USAGE AMONG REGISTRIES.
- o DUE PROCESS AND TREATMENT ORIENTATIONS OF REGISTRIES ARE NOT TWO POLES OF A SINGLE CONTINUUM BUT TWO SEPARATE DIMENSIONS. PRESENCE OF DUE PROCESS SAFEGUARDS THEREFORE DOES NOT IMPLY LESS OF A TREATMENT ORIENTATION, DIFFERENT USES OF REGISTRY, OR DIFFERENT RESOURCES REQUIRED. THE PRESENCE OF DUE PROCESS SAFEGUARDS, HOWEVER, DOES AFFECT THE TYPES OF RECORDS KEPT IN REGISTRIES AND THE SPEED WITH WHICH THEY ARE EXPUNGED AND PURGED.
- o REGISTRIES WHICH PROVIDE WRITTEN NOTICE TO SUBJECTS OF A REPORT AND AFFORD SUBJECTS THE RIGHT TO REVIEW THE RECORD TEND TO ORGANIZE THEIR RECORDS DIFFERENTLY AND TO RECEIVE MORE CHALLENGES TO ENTRIES OF INFORMATION INTO THE REGISTER THAN OTHER REGISTRIES BUT DO NOT DIFFER WITH RESPECT TO USES OF INFORMATION, PRESENCE OF A HOTLINE, OR USE OF AUTOMATION.

2. Functions of Registries

- o MOST REGISTRIES ARE NOT ORGANIZED TO ACCOMPLISH DIAGNOSIS AND TRACKING AND SHOULD NOT BE EVALUATED ON THE BASIS OF TREATMENT CRITERIA.
- o REGISTRIES SHOULD NOT SIMPLY ACCEPT SCREENING APPLICANTS AS AN ADDITIONAL FUNCTION OF REGISTRIES WITHOUT CONSIDERING THE IMPLICATIONS FOR RECORDKEEPING, CONFIDENTIALITY AND DUE PROCESS. REGISTRIES DECIDING TO SCREEN APPLICANTS FOR ADOPTION, FOSTER CARE, AND CHILD CARE POSITIONS SHOULD HAVE A PERPETRATOR FILE AND A FILE OF CHILD CARE INSTITUTIONS. THE "MATCH RATE" FOR SCREENING IS VERY LOW, OFTEN ONE PERCENT OR LESS. REGISTRIES DESIRING TO DO SCREENING SHOULD BE PREPARED TO SEARCH 100 OR MORE REPORTS FOR EACH MATCH FOUND. OF COURSE, EACH REGISTRY WILL HAVE TO EVALUATE THE VALUE OF DETERRING POTENTIAL ABUSERS FROM APPLYING FOR POSITIONS OF TRUST WITH CHILDREN AGAINST THE COST OF ESTABLISHING FILES AND SEARCHING THEM.
- o INFORMATION ON CENTRAL REGISTRIES IS UNDERUTILIZED FOR RESEARCH. MUCH MORE RESEARCH COULD BE CONDUCTED USING NONIDENTIFYING DATA CURRENTLY AVAILABLE. MOST REGISTRIES EVEN HAVE PROVISIONS FOR THE RELEASE OF DATA WHICH IDENTIFIES CHILD VICTIMS OR PERPETRATORS BY NAME SO THAT LONGITUDINAL RESEARCH COULD BE CONDUCTED. ONE PROMISING LINE OF RESEARCH IS THE DEVELOPMENT OF RISK ASSESSMENT MODELS TO HELP CHILD PROTECTION WORKERS DETERMINE RISK TO CHILDREN.

- ALL REGISTRIES USE DATA FOR MANAGEMENT AND PLANNING TO SOME EXTENT. THE MORE SOPHISTICATED REGISTRIES USE DATA FOR MONITORING THE FLOW OF REPORTS THROUGH THE CHILD WELFARE SYSTEM RATHER THAN FOR JUST MEASURING CASE LOAD.
- THE IMPORTANCE OF TECHNOLOGY VARIES ACCORDING TO THE FUNCTIONS REGISTRIES ARE REQUIRED TO PERFORM. REGISTRIES WHICH EMPHASIZE THE CASE CLEARINGHOUSE OR SCREENING FUNCTIONS OF REGISTRIES REQUIRE MORE SOPHISTICATED ON-LINE AUTOMATED SYSTEMS THAN REGISTRIES WHICH STRESS THE PUBLIC INFORMATION OR RESEARCH FUNCTIONS.

3. Recordkeeping

- A CORE SET OF DATA ELEMENTS SHOULD BE REPORTED BY ALL REGISTRIES SO THAT COMPARISONS ARE POSSIBLE. DATA ELEMENTS CHOSEN SHOULD BE THOSE TESTED AND PROVEN USEFUL.
- MULTIPLE MEASURES OF CHILD ABUSE AND NEGLECT SHOULD BE EMPLOYED. CAUTION SHOULD BE USED IN COMPARING SUBSTANTIATION RATES AMONG REGISTRIES SINCE RATES VARY ACCORDING TO THE DEFINITIONS, THE LEVEL OF EVIDENCE, AND NUMBER OF DISPOSITION OPTIONS USED.
- TRAINING FOR PEOPLE WHO RECEIVE REPORTS SHOULD BE AN ON-GOING PROCESS IN ORDER TO INSURE THAT DATA QUALITY IS NOT DEPENDANT UPON WHICH PERSON RECEIVES THE REPORT. PERIODICALLY, CHECKS FOR CONSISTENCY AMONG WORKERS SHOULD BE MADE.
- SAMPLES OF REPORTS RECEIVED SHOULD BE AUDITED FOR CONSISTENCY. QUALITY CONTROL PROCEDURES SHOULD BE ESTABLISHED TO CHECK FOR COMPLETENESS OF DATA REPORTED. FEEDBACK SHOULD BE PROVIDED PERIODICALLY TO PEOPLE WHO PROVIDE THE DATA.
- FEEDBACK SHOULD BE PROVIDED TO MANDATED REPORTERS ON THE DISPOSITION OF THE CASE IN ORDER THAT FURTHER REPORTS WILL BE ENCOURAGED OR DISCOURAGED AS APPROPRIATE. REPORTERS WHO HAVE A PROFESSIONAL DUTY NOT TO DISCLOSE CONFIDENTIAL INFORMATION SHOULD BE ASKED IF THEY WANT TO BE INFORMED OF THE CASE DISPOSITION.
- TIME STANDARDS FOR REPORT PROCESSING SHOULD BE SET. STANDARDS MAY BE GENERAL, E.G. SET SPECIFIC TIME LIMITS FROM REPORT TO INVESTIGATION OR FROM INVESTIGATION TO ENTRY ONTO REGISTRY OR ACTIVATED BY SPECIAL CONDITIONS, E.G. EMERGENCIES.

4. Due Process

- WITH THE POSSIBLE EXCEPTION OF DENIAL OF RIGHT ASSOCIATED WITH SCREENING, THE LEGAL REQUIREMENTS FOR MANAGING CHILD PROTECTIVE SERVICES DATA, INCLUDING CENTRAL REGISTRY DATA, ARE NOT DIFFERENT FROM SAFEGUARDS THAT MUST BE TAKEN WITH OTHER GOVERNMENTAL RECORDS.
- REGISTRIES WHICH HAVE SUFFICIENT DUE PROCESS SAFEGUARDS TO PERFORM A SCREENING FUNCTION ARE LIKELY TO POSSESS SUFFICIENT DUE PROCESS SAFEGUARDS TO PERFORM OTHER FUNCTIONS AS WELL.
- NOTIFICATION TO PERPETRATORS THAT THEIR NAMES ARE ABOUT TO BE ENTERED ONTO A REGISTER AND THAT THEY HAVE THE RIGHT TO REVIEW AND CHALLENGE A REPORT IS CRUCIAL FOR REGISTRIES WHICH SCREEN APPLICANTS, BUT LESS IMPORTANT TO REGISTRIES WHICH USE NON-IDENTIFYING INFORMATION FOR RESEARCH, MANAGEMENT AND PLANNING, AND PUBLIC INFORMATION FUNCTIONS.
- ALL REGISTRIES SHOULD PROVIDE FOR INTERNAL REVIEW OF AMENDMENT OR EXPUNGEMENT REQUESTS AND FOR FAIR HEARINGS UNDER THEIR STATE ADMINISTRATIVE PROCEDURES ACTS. DIFFERENCES IN LEVEL OF EVIDENCE REQUIRED TO SUBSTANTIATE A CASE AND THE LEVEL OF EVIDENCE NECESSARY TO SUSTAIN A CHALLENGE EITHER IN A FAIR HEARING OR A COURT MAY RESULT IN A NUMBER OF DECISIONS BEING OVERTURNED. NEVERTHELESS, IT IS IMPORTANT THAT SUBJECTS OF A REPORT BE AFFORDED THE OPPORTUNITY TO CHALLENGE DECISIONS THEY BELIEVE TO BE UNJUSTIFIED.
- SUBJECTS OF A REPORT SHOULD BE ABLE TO REQUEST THAT THEIR NAMES BE RETAINED ON A REGISTER IN ORDER TO BUILD A CASE OF HARASSMENT OR IN ORDER THAT THEIR NAMES CAN BE CLEARED IF VERIFICATION IS EVER NECESSARY. SIMILARLY APPLICANTS FOR CHILD CARE POSITIONS SHOULD BE REQUIRED TO SIGN A CONSENT FORM BEFORE THEIR NAME IS SEARCHED IN THE REGISTER.

FOOTNOTES

1. See the seminal article by Kempe et al. (1962).
2. Subsequent to the passage of Public Law 93-247, The Education Commission of the States asked Brian Fraser to revise the model legislation to meet federal guidelines. (Costa and Nelson, 1978:17).
3. A more complete statement of the requirements may be found in Costa and Nelson (1978:19-20) and a thorough discussion may be found in the Federal Register Vol. 39, no. 245 (Thursday, December 19, 1974).
4. Courts have accepted some challenges to state registers in which people were not notified that their names were being entered onto the system, were not given access to the data reported, or were not given the opportunity to have the information updated or expunged. Sims v. Texas, 438 F. Supp. 1179 (S.D. Tex., 1977). (The issue of whether an abuse report can be placed in the registry without a hearing was appealed to the U.S. Supreme Court.) In Moore vs. Sims 442 U.S. 415 (1979), the District Court judgment was reversed on the grounds that the case should not have been removed from state court to federal court. Court decisions (e.g. Petition of Bagley, Bohn v. County of Dakota) are gradually helping to define how much process is due with respect to notification, right to review, access to records, and expungement of records.
5. In a study by Giovannoni and Becerra (1979), lawyers were found to perceive mistreatment as less serious than social workers and other professionals.
6. According to the Interdisciplinary Glossary on Child Abuse and Neglect. (National Center on Child Abuse and Neglect, 1978:34) a founded report is "any report of suspected child abuse or neglect made to the mandated agency which is confirmed or verified." Selected state definitions of disposition terminology may be found in Appendix G to this report.

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APPENDICES

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- APPENDIX C Phone Survey for Central Registries
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APPENDIX A

Copy of Cover Letter and Questionnaire

National Center for State Courts

300 Newport Avenue
Williamsburg, Virginia 23187-8798
(804) 253-2000

Edward B. McConnell
Executive Director

October 30, 1986

Dear :

The National Center for State Courts needs your help in gathering current information about recordkeeping practices and procedures in central registries for child abuse and neglect. We are particularly interested in the type of information maintained by each registry in 1986; the ease with which records are updated, expunged, and stored; the accessibility and confidentiality of the information, and how the information is used. The information gathered by the attached questionnaire will help us update information gathered by registries to 1986, determine the comparability of information kept in central registries, select six sites for further investigation, and discover practices or procedures developed in some sites that are worthy of emulation by others.

The questionnaire has four parts: 1) data elements maintained in your registry, 2) recordkeeping procedures, 3) data usage, and 4) basic data about your registry. The checklist format was designed to make the questionnaire easy to complete. Please don't hesitate to add clarifying comments on the questionnaire itself or on a separate sheet of paper. Call me on our toll free line (800-446-8952) if you have any questions.

Please complete the questionnaire, attach a blank copy of your reporting form and any instructions that accompany it, and return it to me by November 24, 1986. A stamped, self-addressed, envelope is enclosed for your convenience.

Thank you for your assistance. A summary of the findings will be sent to you when the study is completed.

Sincerely,

Victor E. Flango
Project Director

VEF:bwj
Enclosures

1. INFORMATION CONTAINED ON CENTRAL REGISTERS

Which of the following information is currently required to be maintained in your central register? (Please attach a blank copy of your reporting form to this questionnaire.)

	<u>Yes</u>	<u>No</u>
A. Date of initial report	<input type="checkbox"/>	<input type="checkbox"/>
B. Date case status determined	<input type="checkbox"/>	<input type="checkbox"/>
C. Number of children in the home	<input type="checkbox"/>	<input type="checkbox"/>
D. Source of initial report		
1. Is the identity of the person making the report recorded?	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the relationship or profession of the person making the report recorded?	<input type="checkbox"/>	<input type="checkbox"/>
a. Unspecified (source written in)	<input type="checkbox"/>	<input type="checkbox"/>
b. If not written in, is source of report specifically identified by the following categories on your reporting form:		
(1) Medical personnel	<input type="checkbox"/>	<input type="checkbox"/>
(2) School personnel	<input type="checkbox"/>	<input type="checkbox"/>
(3) Social service personnel	<input type="checkbox"/>	<input type="checkbox"/>
(4) Law enforcement personnel	<input type="checkbox"/>	<input type="checkbox"/>
(5) Court personnel	<input type="checkbox"/>	<input type="checkbox"/>
(6) Relations, friends, neighbors	<input type="checkbox"/>	<input type="checkbox"/>
(7) Child care providers	<input type="checkbox"/>	<input type="checkbox"/>
(8) Clergy	<input type="checkbox"/>	<input type="checkbox"/>
(9) Anonymous	<input type="checkbox"/>	<input type="checkbox"/>
(10) Other <u>(specify)</u>	<input type="checkbox"/>	<input type="checkbox"/>
3. Are the following characteristics of the person making the report recorded?		
a. Name	<input type="checkbox"/>	<input type="checkbox"/>
b. Address	<input type="checkbox"/>	<input type="checkbox"/>
c. Telephone number	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>
4. Actions taken by person making report:		
a. Taking photographs or x-rays	<input type="checkbox"/>	<input type="checkbox"/>
b. Notifying medical examiner or coroner	<input type="checkbox"/>	<input type="checkbox"/>
c. Notifying police	<input type="checkbox"/>	<input type="checkbox"/>
d. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
E. Are the following types of reports included in your central register?		
1. Report on type of abuse is open ended (type of abuse written in)	<input type="checkbox"/>	<input type="checkbox"/>
2. If not written in, which of the following abuse and neglect categories are specified:		
a. Abuse unsubstantiated	<input type="checkbox"/>	<input type="checkbox"/>
b. Abuse substantiated	<input type="checkbox"/>	<input type="checkbox"/>
c. Abuse substantiation unspecified	<input type="checkbox"/>	<input type="checkbox"/>
d. Neglect unsubstantiated	<input type="checkbox"/>	<input type="checkbox"/>
e. Neglect substantiated	<input type="checkbox"/>	<input type="checkbox"/>
f. Neglect substantiation unspecified	<input type="checkbox"/>	<input type="checkbox"/>
g. Abuse and neglect substantiated	<input type="checkbox"/>	<input type="checkbox"/>
h. Abuse and neglect unsubstantiated	<input type="checkbox"/>	<input type="checkbox"/>
i. Abuse and neglect substantiation unspecified	<input type="checkbox"/>	<input type="checkbox"/>
j. Unknown	<input type="checkbox"/>	<input type="checkbox"/>
k. Other report type (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
F. Case Status		
Are the following status categories contained on your reporting form:		
1. Currently under investigation	<input type="checkbox"/>	<input type="checkbox"/>
2. Case closed after investigation	<input type="checkbox"/>	<input type="checkbox"/>
3. Case referred for services other than protection	<input type="checkbox"/>	<input type="checkbox"/>
4. Protective services provided	<input type="checkbox"/>	<input type="checkbox"/>
5. Court action initiated	<input type="checkbox"/>	<input type="checkbox"/>
6. Other case status		
a. Cannot locate family	<input type="checkbox"/>	<input type="checkbox"/>
b. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
7. Report unfounded	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>
G. Type of maltreatment		
1. Are maltreatment categories open ended (written in)?	<input type="checkbox"/>	<input type="checkbox"/>
2. If maltreatment categories are written in, which of the following categories are specifically recorded:		
a. Fatality	<input type="checkbox"/>	<input type="checkbox"/>
b. Major physical injury	<input type="checkbox"/>	<input type="checkbox"/>
c. Minor physical injury	<input type="checkbox"/>	<input type="checkbox"/>
d. Physical injury, severity unspecified	<input type="checkbox"/>	<input type="checkbox"/>
e. Sexual maltreatment	<input type="checkbox"/>	<input type="checkbox"/>
f. Deprivation of necessities	<input type="checkbox"/>	<input type="checkbox"/>
g. Emotional maltreatment	<input type="checkbox"/>	<input type="checkbox"/>
h. Other maltreatment, e.g., abandonment	<input type="checkbox"/>	<input type="checkbox"/>
i. No maltreatment	<input type="checkbox"/>	<input type="checkbox"/>
j. Unknown	<input type="checkbox"/>	<input type="checkbox"/>
k. Other <u>(specify)</u> _____	<input type="checkbox"/>	<input type="checkbox"/>
H. Data on child		
1. Are child characteristics open ended (written in)?	<input type="checkbox"/>	<input type="checkbox"/>
2. If characteristic categories are not written in, which of the following characteristics are specifically recorded:		
a. Name	<input type="checkbox"/>	<input type="checkbox"/>
b. Address	<input type="checkbox"/>	<input type="checkbox"/>
c. Age (date of birth)	<input type="checkbox"/>	<input type="checkbox"/>
d. Sex	<input type="checkbox"/>	<input type="checkbox"/>
e. Race	<input type="checkbox"/>	<input type="checkbox"/>
f. Relationship to parent (e.g., child, adopted child; stepchild)	<input type="checkbox"/>	<input type="checkbox"/>
g. Relationship to perpetrator or suspected perpetrator	<input type="checkbox"/>	<input type="checkbox"/>
h. Name of siblings	<input type="checkbox"/>	<input type="checkbox"/>
i. Record of prior abuse or neglect	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>
1. Data on parents/caretaker		
1. Are caretaker characteristics open-ended (written in)?	<input type="checkbox"/>	<input type="checkbox"/>
2. If caretaker characteristics are not written in, which of the following characteristics are specifically recorded:		
a. Name	<input type="checkbox"/>	<input type="checkbox"/>
b. Alternative names, (e.g., married names, aliases)	<input type="checkbox"/>	<input type="checkbox"/>
c. Age (date of birth)	<input type="checkbox"/>	<input type="checkbox"/>
d. Sex	<input type="checkbox"/>	<input type="checkbox"/>
e. Race	<input type="checkbox"/>	<input type="checkbox"/>
f. Employment status	<input type="checkbox"/>	<input type="checkbox"/>
g. Income	<input type="checkbox"/>	<input type="checkbox"/>
h. Family stress factors (e.g., alcohol/drug misuse)	<input type="checkbox"/>	<input type="checkbox"/>
i. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>
J. Data on perpetrator or suspected perpetrator		
1. Are perpetrator characteristics open ended (written in)?	<input type="checkbox"/>	<input type="checkbox"/>
2. Which of the following characteristics are specifically recorded:		
a. Name	<input type="checkbox"/>	<input type="checkbox"/>
b. Alternative names, (e.g., married names, aliases)	<input type="checkbox"/>	<input type="checkbox"/>
c. Age (date of birth)	<input type="checkbox"/>	<input type="checkbox"/>
d. Sex	<input type="checkbox"/>	<input type="checkbox"/>
e. Race	<input type="checkbox"/>	<input type="checkbox"/>
f. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

- II. RECORDKEEPING PROCEDURES

Record Amendment

	<u>Yes</u>	<u>No</u>
A. Are there routine procedures set up for amending central registry records? (IF NO, PLEASE SKIP TO QUESTION "J")	<input type="checkbox"/>	<input type="checkbox"/>
B. Who can request that a record be amended?		
a. Medical personnel	<input type="checkbox"/>	<input type="checkbox"/>
b. School personnel	<input type="checkbox"/>	<input type="checkbox"/>
c. Social service personnel	<input type="checkbox"/>	<input type="checkbox"/>
d. Law enforcement personnel	<input type="checkbox"/>	<input type="checkbox"/>
e. Court personnel	<input type="checkbox"/>	<input type="checkbox"/>
f. Relations, friends, neighbors	<input type="checkbox"/>	<input type="checkbox"/>
g. Child care providers	<input type="checkbox"/>	<input type="checkbox"/>
h. Perpetrator/suspected perpetrator	<input type="checkbox"/>	<input type="checkbox"/>
i. Unspecified (source written in)	<input type="checkbox"/>	<input type="checkbox"/>
j. Other <u>(specify)</u>	<input type="checkbox"/>	<input type="checkbox"/>
C. If request to amend a record is denied, is the person requesting the amendment entitled to a hearing to determine whether denial was justified?	<input type="checkbox"/>	<input type="checkbox"/>
D. How frequently is information maintained in central register amended?	<input type="checkbox"/>	<input type="checkbox"/>
1. As new information is received	<input type="checkbox"/>	<input type="checkbox"/>
2. On a periodic basis, e.g., weekly, monthly	<input type="checkbox"/>	<input type="checkbox"/>
3. Other <u>(specify)</u>	<input type="checkbox"/>	<input type="checkbox"/>
E. What events trigger an amendment of central register data?		
1. Change in case status, e.g., report found to be substantiated or unsubstantiated	<input type="checkbox"/>	<input type="checkbox"/>
2. Additional information on child received	<input type="checkbox"/>	<input type="checkbox"/>
3. Additional information on caretaker received	<input type="checkbox"/>	<input type="checkbox"/>
4. Additional information on perpetrator or suspected perpetrator received	<input type="checkbox"/>	<input type="checkbox"/>
5. Court action	<input type="checkbox"/>	<input type="checkbox"/>
6. Other <u>(specify)</u>	<input type="checkbox"/>	<input type="checkbox"/>
F. Is both the amended information and the original information maintained in the central registry files?	<input type="checkbox"/>	<input type="checkbox"/>

G. How long does it take to change a record from the time amendment is received until the record is actually changed?

- 1. Within one day
- 2. Between one and three days
- 3. Within one week
- 4. Other (specify) _____

H. From your experience, what percentage of the files would you estimate are amended each year?

- 1. None
- 2. 1 to 10%
- 3. 11 to 25%
- 4. 26 to 50%
- 5. 51 to 75%
- 6. 76 to 90%
- 7. More than 90%

I. Is there a procedure to follow up on missing or unclear information? Yes No

If yes, please describe _____

Record Expungment

J. Are parties given notice that their names are to be entered onto a central register? Yes No

If yes, specify how notified

- a. By first class mail
- b. By telephone
- c. Other (specify) _____

K. Are there mechanisms available to challenge entry onto a central register? Yes No

If yes, specify how _____

- | | <u>Yes</u> | <u>No</u> |
|--|--------------------------|--------------------------|
| L. What proportion of your entries are challenged? | | |
| 1. None | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. 1 to 10% | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. 11 to 25% | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. 26 to 50% | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. 51 to 75% | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. 76 to 90% | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. More than 90% | <input type="checkbox"/> | <input type="checkbox"/> |

- M. Do you have routine procedures set up to expunge records?
(IF NO, PLEASE SKIP TO QUESTION "Q")
-

What procedures govern expungement of records? (Cite statute or regulation if applicable) _____

- | | | |
|--|--------------------------|--------------------------|
| 1. Automatic expungement when child reaches 18-21 years of age | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Expungement of identifying information only | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Expungement of all unfounded reports | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Other (specify) _____ | | |

- N. Who can request that a record be expunged?
- | | | |
|--------------------------------------|--------------------------|--------------------------|
| a. Medical personnel | <input type="checkbox"/> | <input type="checkbox"/> |
| b. School personnel | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Social service personnel | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Law enforcement personnel | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Court personnel | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Relations, friends, neighbors | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Parents/child care providers | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Perpetrator/suspected perpetrator | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Unspecified (source written in) | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Other (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> |

- U. What proportion of your records are expunged each year?
- | | |
|------------------|--------------------------|
| 1. None | <input type="checkbox"/> |
| 2. 1 to 10% | <input type="checkbox"/> |
| 3. 11 to 25% | <input type="checkbox"/> |
| 4. 26 to 50% | <input type="checkbox"/> |
| 5. 51 to 75% | <input type="checkbox"/> |
| 6. 76 to 90% | <input type="checkbox"/> |
| 7. More than 90% | <input type="checkbox"/> |

P. How long does it take to expunge a typical record from time a correction is received until the record is actually expunged?

- 1. Within one day
- 2. Between one and three days
- 3. Within one week
- 4. Other (specify) _____

Records Storage and Security

	<u>Yes</u>	<u>No</u>
Q. Is storage space for central register data sufficient?	<input type="checkbox"/>	<input type="checkbox"/>

Comment _____

K. How many records do you currently maintain? _____

S. How many years to these records cover: _____
 Year of first set of records: _____

T. How many records can you store? _____

- U. How often are records purged?
- 1. Never
 - 2. Periodically (specify period) _____

	<u>Yes</u>	<u>No</u>
V. What records are maintained in the registry?		
1. Initial report only	<input type="checkbox"/>	<input type="checkbox"/>
2. Reports of investigations	<input type="checkbox"/>	<input type="checkbox"/>
3. Reports of founded or indicated investigation	<input type="checkbox"/>	<input type="checkbox"/>
4. Follow-up reports	<input type="checkbox"/>	<input type="checkbox"/>
5. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>
W. Are records protected to guard against unauthorized access?	<input type="checkbox"/>	<input type="checkbox"/>

If yes, how are records protected?

- | | | |
|--|--------------------------|--------------------------|
| 1. Records sealed (put in a sealed binding or locked file) | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Records stored in secure room | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Passwords and other computer security devices employed | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Other (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> |

- | | <u>Yes</u> | <u>No</u> |
|---|--------------------------|--------------------------|
| X. Are there criminal penalties for unauthorized disclosure of information from central registry? | <input type="checkbox"/> | <input type="checkbox"/> |
| If Yes, specify penalties, cite statute if applicable _____
_____ | | |
| And, how many criminal charges have been initiated for unauthorized disclosure within the past two years? _____ | | |
| Y. Do procedures exist for "delisting" recipient agencies by denying them access to registry records? | <input type="checkbox"/> | <input type="checkbox"/> |
| If yes, please describe _____
_____ | | |

III. DATA USAGE

- | | | |
|---|--------------------------|--------------------------|
| A. To whom are aggregate central registry data reported automatically? | | |
| 1. Departments of Public Welfare | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Bureaus of Vital Statistics | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Other (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Other (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| B. To whom will general central registry case information (not including identifiers) be released upon request? | <u>Yes</u> | <u>No</u> |
| 1. Child welfare agencies | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Police or law enforcement agencies | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Prosecutors or county/state attorneys | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Court | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Central registers in other states | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Physicians or treatment agencies | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Parent or caretaker | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Person making the report | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Researchers | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Perpetrator or suspected perpetrator | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Attorney for parents or caretaker | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Attorney for perpetrator | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Grand jury | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Other (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> |

	<u>Yes</u>	<u>No</u>
C. Who is eligible to receive central registry data that identifies perpetrator or suspected perpetrator by name?		
1. Child welfare agencies	<input type="checkbox"/>	<input type="checkbox"/>
2. Police or law enforcement agencies	<input type="checkbox"/>	<input type="checkbox"/>
3. Prosecutors or county/state attorneys	<input type="checkbox"/>	<input type="checkbox"/>
4. Court	<input type="checkbox"/>	<input type="checkbox"/>
5. Central registers in other states	<input type="checkbox"/>	<input type="checkbox"/>
6. Physicians or treatment agencies	<input type="checkbox"/>	<input type="checkbox"/>
7. Parent or caretaker	<input type="checkbox"/>	<input type="checkbox"/>
8. Person making the report	<input type="checkbox"/>	<input type="checkbox"/>
9. Researchers	<input type="checkbox"/>	<input type="checkbox"/>
10. Perpetrator or suspected perpetrator	<input type="checkbox"/>	<input type="checkbox"/>
11. Attorney for parents or caretaker	<input type="checkbox"/>	<input type="checkbox"/>
12. Attorney for perpetrator	<input type="checkbox"/>	<input type="checkbox"/>
13. Grand jury	<input type="checkbox"/>	<input type="checkbox"/>
14. Employers for child care or foster care agencies	<input type="checkbox"/>	<input type="checkbox"/>
15. Other <u>(specify)</u>	<input type="checkbox"/>	<input type="checkbox"/>
D. Who is eligible to receive central registry data that identifies the child victim by name?		
1. Child welfare agencies	<input type="checkbox"/>	<input type="checkbox"/>
2. Police or law enforcement agencies	<input type="checkbox"/>	<input type="checkbox"/>
3. Prosecutors or county/state attorneys	<input type="checkbox"/>	<input type="checkbox"/>
4. Court	<input type="checkbox"/>	<input type="checkbox"/>
5. Central registers in other states	<input type="checkbox"/>	<input type="checkbox"/>
6. Physicians or treatment agencies	<input type="checkbox"/>	<input type="checkbox"/>
7. Parent or caretaker	<input type="checkbox"/>	<input type="checkbox"/>
8. Person making the report	<input type="checkbox"/>	<input type="checkbox"/>
9. Researchers	<input type="checkbox"/>	<input type="checkbox"/>
10. Perpetrator or suspected perpetrator	<input type="checkbox"/>	<input type="checkbox"/>
11. Attorney for parents or caretaker	<input type="checkbox"/>	<input type="checkbox"/>
12. Attorney for perpetrator	<input type="checkbox"/>	<input type="checkbox"/>
13. Other <u>(specify)</u>	<input type="checkbox"/>	<input type="checkbox"/>
E. Which of the following characteristics of people requesting information from your central registry are recorded?		
1. Name	<input type="checkbox"/>	<input type="checkbox"/>
2. Address	<input type="checkbox"/>	<input type="checkbox"/>
3. Occupation	<input type="checkbox"/>	<input type="checkbox"/>
F. Requests to the central registry for information must be made:		
1. By mail	<input type="checkbox"/>	<input type="checkbox"/>
2. By telephone	<input type="checkbox"/>	<input type="checkbox"/>

- | | <u>Yes</u> | <u>No</u> |
|--|--------------------------|--------------------------|
| G. Responses to requests for information are provided: | | |
| 1. By mail | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. By telephone | <input type="checkbox"/> | <input type="checkbox"/> |
| H. How many requests for central registry information do you receive per year? _____ | | |
| I. To your knowledge, are aggregate registry reports used? | | |
| 1. For planning | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. For budgeting | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. For establishing research priorities | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. For creating statistical profiles of child victims | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. For creating statistical profiles of perpetrators or suspected perpetrators | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. For other purposes (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> |

IV. BASIC DATA ON CENTRAL REGISTRIES

A. Number of full-time equivalent (FTE) personnel working in your central registry _____

- 1. Number of FTE professional staff _____
- 2. Number of FTE administrative staff _____

B. Approximate annual central registry budget _____

C. Data processing equipment used, if any _____

Number of remote access terminals throughout the state _____

D. Reporting period used by central registry

- 1. Calendar year
- 2. Fiscal year, July 1-June 30
- 3. Fiscal year, October 1-September 30
- 4. Other (specify) _____

E. In your opinion, what are the major problems associated with central registry data?

(PLEASE CHECK ALL THAT APPLY)

- 1. Data are not used enough
- 2. Data received are not timely
- 3. Data received are not accurate
- 4. Data received are not complete
- 5. Data are not updated frequently enough
- 6. Data are not stored properly
- 7. Access to data not controlled adequately
- 8. Specific data elements are difficult to retrieve
- 9. Staff are not adequately trained
- 10. Other (specify) _____
- 11. Other (specify) _____

F. Have any lawsuits been filed against your registry in the past two years? _____

G. How would you evaluate the quality of the data kept in your registry?

- 1. Very good
- 2. Good
- 3. Fair
- 4. Poor

H. Comments on any innovative procedures or techniques used in your registry that you believe would be helpful to other registries.

I. Are any changes in recordkeeping practices needed or anticipated? _____

THANK YOU

Name and title of person completing the form _____

Telephone number _____

Date form completed _____

APPENDIX B

List of People to Whom Questionnaire Was Sent

Ms. Mary Carswell
Dept. of Pensions & Security
Bureau of Family & Children's Svcs.
64 No. Union St.
Montgomery, AL 36130-1801 Ms. Carswell

Ms. Martha Holmberg
Div. of Family & Youth Svcs.
DHSS
Pouch H
Juneau, AK 99801 Ms. Holmberg

Ms. Beth Rosenberg
DES/ACYF 940A
1400 W. Washington
Phoenix, AZ 85005 Ms. Rosenberg

Ms. Bobbie Ferguson
Div. of Social Services
P. O. Box 1437
Little Rock, AR 72203 Ms. Ferguson

Mr. Bruce Kennedy, Chief
Office of Child Abuse Prevention
CA Dept. of Social Services
744 P Street, MS 9-100
Sacramento, CA 95814 Mr. Kennedy

Ms. Janet Motz
CO DSS
1575 Sherman St.
Denver, CO 80203 Ms. Motz

Ms. Linnea Loin
Child Protective Svcs. Dept
Dept. of Children & Youth Servs.
170 Sigourney Street
Hartford, CT 06105 Ms. Loin

Mr. Robert Lindecamp
Div. of Child Protective Svcs
824 Market St., 7th Floor
Wilmington, DE 19801 Mr. Lindecamp

Ms. Regina Bernard
Child & Family Services
500 First Street, N. W.
Washington, DC 20001 Ms. Bernard

Ms. Carolyn Smith
Intake Section
500 First Street, NW
Room 5085
Washington, DC 2001 Ms. Smith

Ms. Patricia Hicks
Children, Youth & Families Office
Dept. of Health & Rehab. Servs.
1317 Winewood Blvd.
Tallahassee, FL 32301 Ms. Hicks

Ms. Ruthie Sheppard
Georgia DHR
Div. of Family & Children Svcs.
878 Peachtree St., N. E. Rm. 404
Atlanta, GA 30309 Ms. Sheppard

Mr. Stanley Inkoy
Dept. of Soc. Svcs. & Housing
Public Welfare Div. - P. D.
1390 Miller St.
Honolulu, HI 96813 Ms. Inkoy

Mr. Edward Van Dusen
Dept. of Health & Welfare
Division of Field operations
Statehouse
Boise, ID 83720 Mr. Van Dusen

Mr. Tom Villiger
Illinois Dept. of Children and
Family Services
One No. Old State Capitol Plaza
Springfield, IL 62706 Mr. Villiger

Mr. Steven Vaughn
Child Abuse and Neglect
Div. CWSS/Indiana Dept. of PW
141 So. Meridian
Indianapolis, IN 46225 Mr. Vaughn

Mr. Timothy Barber Lindstrom
Iowa Dept. of Human Svcs.
Hoover State Office Bldg., 5th Floor
Des Moines, IA 50319 Mr. Lindstrom

Ms. Aleene S. Griggs
KS Dept. of SRS
Child Protection/Family Svcs. Sec.
Smith-Wilson Bldg., 2700 W. 6th St.
Topeka, KS 66606 Ms. Griggs

Ms. Barbara Southard
Cabinet for Human Resources
Dept. of Social Services Div. of
Field Svcs.
275 E. Main St. 6W
Frankfort, KY 40621 Ms. Southard

Ms. Laura Dodge-Ghara
Office of Human Development
Div. of Children, Youth & Families
333 Laurel Commerce Bldg.
Baton Rouge, LA 70821 Ms. Dodge-Ghara

Ms. Sandra Hodge
Protective Services
Dept. of Human Services
State House
Augusta, ME 04333 Ms. Hodge

Ms. Beverly Jones
Maryland Social Srvs. Admin.
300 W. Preston St.- Rm. 406
Baltimore, MD 21201 Ms. Jones

Ms. Marilyn C. Carey
Mass. Dept. of Social Services
150 Causeway Street, 11th Fl.
Boston, MA 02114 Ms. Carey

Ms. Laura Daniel
Michigan Dept. of Social Srvcs.
Bureau of Protection, Prevention
and Premanency
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APPENDIX C

Phone Survey for Central Registries

QUESTIONS FOR 1988 PHONE SURVEY ON CENTRAL REGISTRIES

State: _____

Contact: _____

Title: _____

Phone Number: _____

1. We record your state's central registry disposition categories as:

Do you have an undetermined category? e.g., unable to locate or reason to suspect.

___ yes (specify) _____
___ no

2. What level of evidence is needed for a case to be substantiated?

___ clear and convincing evidence
___ preponderance of evidence
___ credible evidence
___ some credible evidence
___ other (specify) _____
___ level of evidence is given
 ___ by law
 ___ by regulation
 ___ by custom and usage

3. How long are unsubstantiated reports kept on the central register?

_____ never entered
_____ only until the determination of unsubstantiated is made
_____ unsubstantiated cases maintained for a period of time
 (specify) _____

If unsubstantiated cases are maintained on the register, is information that identifies subjects of a report removed?

___ yes
___ no

4. When are substantiated cases removed from the register?

___ at victim's 18th birthday
___ at victim's youngest sibling's 18th birthday
___ 10 years after victim's 18th birthday
___ X years (specify: _____) and no new reports
___ other (specify time period) _____

5. What is your substantiation rate?

- % total
- % physical abuse cases
- % sexual abuse
- % neglect
- number of fatalities in 1986
- number of fatalities in 1987

6. Is the substantiated rate for anonymous reports lower than for other non-mandated reports, e.g. neighbors, friends (Estimate %)? _____

7. How are registry records indexed?

- by victim only
- by perpetrator only
- by victim and perpetrator
- by family

8. Is the central register used for applicant screening?

- no (If no, is it because you believe applicant screening is an improper function of registries or because the system will not permit retrieval by perpetrator?)

If yes, (specify)

- adoption
- foster care
- day care licenses
- other licensing (specify) _____
- day care workers
- teachers
- social workers in your agency
- social workers
- out of home care providers, babysitters, day care homes
- volunteers, camp counselors, etc.
- other (specify) _____

9. Does central register use risk assessment models?

- no
- yes, by hot line to determine when investigation should be conducted.
- yes, during investigation to determine if child should be removed from the home.

10. Are data used for case management:

- planning, forecasting future caseloads
- resource allocation, to assign workers, prepare budgets, etc.
- performance evaluation of child protective agencies
- evaluation of state register's performance
- monitoring progress of report, i.e. delay

11. How often do hospitals call for information to assist in diagnosis of suspected child abuse and neglect? (Estimate %)

- heavy use
- moderate use
- seldom use
- never

12. Is the registry automated?

- no
- yes (specify kind of computer system) _____

13. Is there a statewide hotline for reporting abuse?

- no
- yes

If yes, can you report abuse directly to hotline or are you referred to another agency?

- no
- yes

Is it a tollfree, dedicated line?

- no
- yes

Does the hotline operate 24 hours/day?

- no (What are the provisions for after hours calls?) _____
- yes

14. Are persons notified that their names are to be entered onto a central registry?

- no
 - yes (if yes, specify how)
 - letter (type) _____ (form, first class, registered)
 - verbal
 - telephone
 - other (specify) _____
- (If yes, specify when).
- after substantiation
 - before substantiation

15. Do subjects of a report have a right to review reports made about them? (with the source of the report removed)?

- no
- yes

Optional Questions

16. Estimate percentage of suspected perpetrators that ask to review their records.

- very high (over 51%)
- high (26%-50%)
- medium (11%-25%)
- low (less than 11%)
- none

17. Estimate percentage of suspected perpetrators who review records and then ask that their records be amended or expunged?

- very high (over 51%)
- high (26%-50%)
- medium (11%-25%)
- low (less than 11%)
- none

18. Estimate percentage of suspected perpetrators who appeal the initial decisions.

- very high (over 51%)
- high (26%-50%)
- medium (11%-25%)
- low (less than 11%)
- none

19. Estimate how many of the above end up being appealed to courts?

- very high (over 51%)
- high (26%-50%)
- medium (11%-25%)
- low (less than 11%)
- none

If state has an Annual Report, request it.

If state has not sent a reporting form, request it.

Check questionnaire and record specific questions/problems for each state.

APPENDIX D

Characteristics of Central Registries
Derived from Questionnaire Survey, 1986

APPENDIX D

CHARACTERISTICS OF CENTRAL REGISTRIES DERIVED FROM QUESTIONNAIRE SURVEY, 1986

State	# Uses of Registry Data ¹	Type of Report ²	Presence of Automated System ³	Presence of Hot Line ⁴	Data on Perpetrator ⁵	Self Evaluation	Innovation/Comments
AL	6	All	No	No	Yes	Poor	Weak retrieval capacity
AK	5	All	No	Yes/state	-		Automation is under development--statewide system.
AR	7	All	Dev	Yes/state	No	Good	Parents' Guide. Form for "suspected abuser"
AZ	5	Subst & unsubst	Yes	No	Yes	Fair	Amended and updated are treated the same.
CA	5	All	Yes	No	Yes	Fair	Only registry maintained by criminal justice department. All records to be automated by 1988.
CO	4	All	Yes	No	Yes	Good	Emphasis on due process/legislation pending to change type of report to substantiated only. Annual Report.
CT	4	Subst & unsubst	Yes	Yes/state	No	Very Good	Expungement every two weeks. On line system to correct for social worker error.
DE	4	Subst & unsubst	Yes	Yes	No	Fair	Uses 3 forms: intake registration, and supplemental.
FL	9	Subst unsubst	Yes	Yes/state	Yes	Fair	Only state with prevention as goal of reporting law. 250,000 requests for information per year. First hot line in nation. Requested visit.
GA	5	All	Yes	No	Yes	Good	
HI	6	Subst & unsubst	Dev	No	Yes	Fair	Statistical uses only.
IA	9	Subst & unsubst	Yes	Yes	Yes	Good	
ID		All	Yes	No	No	Good	New system.
IL	9	All	Yes	Yes/state	Yes	Good	CANT'S System. Annual Report of Statistics. First statewide registry (1965).
KS	6	All	Yes	No	Some	Very Good	Uses social services information system.
KY	5	All	No	No	Yes	Very Good	Has legal action disposition category.
LA	2	All	Yes	Yes	Some	Fair	Financial exigency meant loss of central hotline in 1987.
MA	6	Subst & unsubst	Yes	Yes/state	Some	Fair	12-page reporting form

APPENDIX D (Con't.)

State	# Uses of Registry Data ¹	Type of Report ²	Presence of Automated System ³	Presence of Hot Line ⁴	Data on Perpetrator ⁵	Self Evaluation	Innovation/Comments
MD	5	Subst & unsubst	No	Yes/local	No	Fair	No neglect cases on registry.
ME	3	Subst & unsubst	Yes	Yes	Yes	Good	
MO	7	Subst & unsubst	Yes	Yes/state	No	Very Good	
MS	7	Subst	No	Yes/state	Yes	Poor	
MT	8	All	Yes	Private	No	Good	Risk Assessment Models.
NC	3	Subst & unsubst	Yes	No	Some	Good	
ND		Subst &		No	Yes		
NE	4	Subst	Yes	Yes/state	Yes	Good	
NH	3	Subst & unsubst	No	No	Yes	Fair	Intake Assessment. Current legal challenge--right-to-confront accuser.
NJ	6	All	Yes	Yes/state	Yes	Good	Has legal status as category.
NM	5	All	Yes	Yes	No	Very Good	Use of Personal Computers--Integrated with social services.
NV	4	All	Yes	Yes	Yes	Good	
NY	2	Subst	Yes	Yes/state local/not toll free	Some	Poor	Reitz ⁶ called advanced. Legal suit in progress.
OH	2 old 7 new	Subst & unsubst	Dev	Yes/local	Yes	Poor	Transition to automated system in progress.
OK	8	All	Yes	Yes	Yes	Good	
OR	7	Subst & unsubst	Yes	No	No	Very Good	System integrated with social services.
PA	7	Subst	Yes	Yes/state	Yes	Good	Annual Statistical Report. No incomplete data on system, use of sealed records. Abuse narrowly defined.
PR	3	Subst & unsubst	Yes	Yes/state	Yes	Good	

APPENDIX D (Con't.)

State	# Uses of Registry Data ¹	Type of Report ²	Presence of Automated System ³	Presence of Hot Line ⁴	Data on Perpetrator ⁵	Self Evaluation	Innovation/Comments
RI	5	Subst & unsubst	Yes	Yes/state	Some	Good	CANTS system, brochure available.
SC	4	Subst & unsubst	Yes	No	Yes	Fair	
SD	6	Subst & unsubst	Yes	No	Some	Fair	System integrated with social services. Perpetrators must admit guilt or be judged guilty before being entered into system.
TN	5	Subst & unsubst	Yes	No	No	Fair	System integrated with social services.
TX	8	Subst & unsubst	Yes	Yes	Yes	Very Good	Has protective services handbook.
UT	7	Subst & unsubst	Yes	Yes/local	No	Very Good	Annual Report.
VA	7	All	Yes	Yes/state	Yes	Fair	Reitz ⁶ called VA one of most advanced. Has legal action as disposition category.
VT	7	All	Yes	No	No	Good	
WA	4	Subst	Yes	No	Yes	Poor	
WV	4	Subst	Yes	No	Yes	Fair	Transition to recording all reports.
WY	5	Subst & unsubst	Yes	No	No	Very Good	

Key

1. Number of uses of registry data from total of nine provided.
2. Type of report = all reports are maintained by the registry including undetermined, versus substantiated and unsubstantiated, versus substantiated reports only.
3. Presence of automated system = either yes or no with the category "dev" for systems undergoing development or major change.
4. Presence of hotline = either yes or no with qualification on some yes answers depending upon whether the hotline is state only or local only.
5. Data on perpetrator = either yes or no with the qualification "some" used for sites which records some characteristics of the perpetrator, most commonly income or employment status, without identifying him or her.
6. In his review of the literature on child abuse, Jeffrey Reitz, University of Toronto considered these registries to be most advanced.

APPENDIX E

Coding Instructions for Selected Registry Characteristics

APPENDIX E

Coding Instructions for Selected Registry Characteristics

<u>Variable #</u>	<u>Variable Name</u>	<u>Figure</u>	<u>Code Range/Code Scheme</u>
I. <u>Recordkeeping</u>			
002	Type of Report	3B	1=substantiated only 2=substantiated and unsubstantiated
003	Characteristics of Perpetrator		1=background variables 2=employment, income 3=stress factors 4=blank line
004	Index		1=victim file only 2=perpetrator and victim
005	Are Anonymous Reports Permitted	3D	1=yes 2=no
006	Record Amendment	3H	1=more than 1 week 2=within one week 3=one to three days 4=within one day
008	Who Can Request Expungement?		0 to 9=number of people who can request expungement.
011	Data on Perpetrator		1=yes 2=no
016	Length of Time to Expunge		1=more than 1 week 2=within one week 3=one to three days 4=within one day
017	Length of Time Unsubstantiated Reports Are Kept	3I	1=quickly expunged 2=retained 1 year plus
018	Where Are Records Expunged?		1=no expungement 2=local office only 3=central registry only 4=both local office and central registry
021	Percent of Records Amended	3F	1=none 2=1 to 10% 3=11 to 50% 4=more than 50%

<u>Variable #</u>	<u>Variable Name</u>	<u>Figure</u>	<u>Code Range/Code Scheme</u>
022	Percent of Records Updated	3F	1=none 2=1 to 10% 3=11 to 50% 4=more than 50%
023	Percent of Records Expunged	3F	1=none 2=1 to 10% 3=11 to 50% 4=more than 50%
024	How Often Are Records Purged?	3J	1=periodically 2=victim's 18th birthday 3=after victim's 18th birthday 4=at youngest sibling's 18th birthday 5=never
030	Disposition Categories	3C	1=unfounded and founded 2=unfounded, founded, and undetermined

II. Due Process

019	Notice	3M	1=no notice 2=verbal notice 3=written notice
025	Level of Evidence	3K	1=worker's discretion 2=some credible 3=credible 4=preponderance
026	Right to Review Reports	3N	1=no 2=yes
031	What Proportion of Entries Are Challenged		1=none 2=1 to 10%

III. Data Usage

001	Number of Uses of Registry Data	3Q	0 to 9=number of uses
013	Eligibility to Receive Information Without Identifiers	3P	0 to 14=number of categories of people

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<u>Variable #</u>	<u>Variable Name</u>	<u>Figure</u>	<u>Code Range/Code Scheme</u>
014	Eligibility to Receive Information with Victim Identified	30	0 to 13=number of categories of people
015	Eligibility to Receive Information with Perpetrator Identified	3H	0 to 13=number of categories of people
033	Use of Risk Assessment		1=no 2=developing 3=using
034	Use for Case Management		1=performance evaluation/ evaluation of registry 2=no evaluation

IV. Resource Data

009	Presence of Automated System	Appendix C	1=no 2=under development 3=yes
010	Presence of a "Hotline"	Appendix C	1=no 2=yes
020	Number of FTE Personnel	Appendix C	1=none 2=1 3=2-5 4=6-25 5=26-50 6=more than 50

APPENDIX F

Disposition Categories by States

APPENDIX F

Disposition Categories by States

Alabama	indicated reason to suspect not indicated unable to complete
Alaska	substantiated unsubstantiated
Arizona	valid invalid undetermined
Arkansas	substantiated open substantiated not open (day care center) substantiated crisis intervention (stranger, rape) unsubstantiated unable to locate
California	substantiated unsubstantiated - can not be determined unfounded - not enough evidence
Colorado	confirmed ruled out inconclusive findings
Connecticut	confirmed at risk substantiated
Delaware	founded unfounded reason to suspect
District of Columbia	supported unsupported unable to locate (neglect) warned and counseled (abuse)
Florida	indicated unfounded
Georgia	confirmed case closed insufficient evidence
Hawaii	confirmed not confirmed

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Idaho	substantiated - accepted services substantiated - not accepted services unsubstantiated erroneous complaint
Illinois	indicated unfounded undetermined
Indiana	abuse substantiated neglect substantiated abuse unsubstantiated neglect unsubstantiated indication of abuse indication of neglect
Iowa	founded unfounded
Kansas	confirmed confirmed - eligible for services unfounded
Kentucky	substantiated founded and substantiated (neglect not originally alleged) unsubstantiated some indication not located
Louisiana	valid invalid unable to locate
Maine	substantiated unsubstantiated
Maryland	confirmed (credible evidence) indicated (some credible evidence) non-caretaker assault ruled out uncertain
Massachusetts	substantiated unsubstantiated (as of summer 1988): supported unsupported
Michigan	substantiated unsubstantiated
Minnesota	substantiated false

Mississippi	substantiated unsubstantiated
Missouri	reason to suspect unsubstantiated
Montana	substantiated unsubstantiated
Nebraska	inconclusive - agency substantiated inconclusive - court substantiated unfounded unable to locate
Nevada	substantiated unsubstantiated unable to prove unable to locate (as of April 1, 1988): court substantiated confirmed maltreatment-protective services provided confirmed maltreatment-no services provided
New Hampshire	founded, case opened founded problem resolved unfounded unfounded, at risk
New Jersey	substantiated unsubstantiated
New Mexico	confirmed not confirmed
New York	indicated unfounded
North Carolina	substantiated unsubstantiated
North Dakota	probable cause no probable cause
Ohio	substantiated indicated (social worker believes abuse/neglect) unsubstantiated
Oklahoma	confirmed ruled out uncertain

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Oregon	founded unfounded unable to determine	1987 categories were:	valid unsubstantiated invalid
Pennsylvania	founded (judicial adjudication) indicated (CPS investigation) unfounded		
Puerto Rico	founded unfounded		
Rhode Island	indicated unfounded		
South Carolina	founded indicated unfounded		
South Dakota	substantiated unsubstantiated		
Tennessee	indicated unfounded		
Texas	adjudicated reason to believe unfounded family moved		
Utah	founded unfounded		
Vermont	founded unfounded		
Virginia	founded investigation pending unfounded reason to suspect (at risk) unfounded, no reason to suspect		
Washington	substantiated		
West Virginia	substantiated		
Wisconsin	substantiated unsubstantiated		
Wyoming	substantiated unsubstantiated		

APPENDIX G

Selected Definitions of Disposition Terminology and Standards
of Proof for Child Abuse and Neglect

APPENDIX G

Selected Definitions of Disposition Terminology and Standards of Proof for Child Abuse and Neglect

A. Substantiated

1. Adjudicated

Texas A court decision that abuse or neglect has occurred.

2. Founded

Puerto Rico Abuse and neglect was confirmed.

Pennsylvania Judicial adjudication based on finding that child has been abused.

Virginia A review of all the facts shows clear and convincing evidence that child abuse or neglect exists. The evidence must be documented in the case record at the time the disposition is made.

3. Substantiated

Arkansas In the opinion of the investigator there is some credible evidence to believe that child abuse and/or neglect has occurred.

Massachusetts The Department has reasonable cause to believe that an incident (reported or discovered during the investigation) of abuse or neglect by a caretaker did occur.

Michigan Credible evidence exists that child abuse and neglect occurred.

Minnesota An admission of the fact of abuse or neglect by persons responsible, or an adjudication of abuse or neglect, or any other form of confirmation deemed valid by the local agency.

Mississippi Reason found to open a prevention/protection case.

Montana Upon completion of the investigation the reporting worker has determined that the complaint has occurred or is occurring. (Does not require that all evidence be court acceptable.)

Nebraska A finding of child abuse or neglect has been substantiated through an adjudicatory hearing by a court of competent jurisdiction.

North Carolina	A social service decision in which available facts and known circumstances reasonably support the <u>cause to believe</u> that a child is abused or neglected. Such facts and circumstances may relate to initial allegations in report and/or other information gathered by the worker.
Ohio	An admission of the fact of child abuse and neglect by person responsible; an adjudication of child abuse and neglect; other forms of confirmation deemed valid by county agency; or professional judgment that the child(ren) has been abused/neglected.
South Dakota	Child abuse and neglect took place and facts support it.
Utah	"Credible evidence" is the standard of proof necessary to determine substantiation.
Washington	Facts support child abuse and neglect occurred and that report was made by a mandated reporter.
4. <u>Indicated</u>	
Florida	A report made pursuant to §415.103 when a protective investigation determines that some indication of abuse, neglect, or exploitation exists.
Illinois	A report made under this act if an investigation determines that <u>credible evidence</u> of the alleged abuse/neglect exists.
Maryland	<u>Some credible evidence</u> exists to support abuse.
New York	Report wherein the investigation has determined <u>some credible evidence</u> of abuse/neglect exists.
Ohio	Denotes circumstantial, medical, or other isolated indicators of child abuse and neglect but lacking confirmation at this time.
Pennsylvania	Investigation by CPS determines that <u>substantial evidence</u> of abuse exists based on: 1) need evidence 2) CPS investigation 3) admission of perpetrator.
South Carolina	A report of child abuse and neglect supported by facts which warrant a finding that abuse or neglect is more likely than not to have occurred.

5. Confirmed

Colorado Credible evidence exists to support that child abuse or neglect did occur.

Hawaii Evidence (physicians, medical behavioral and/or statements of admission) indicate abuse/neglect occurred.

Maryland Credible evidence exists to support abuse.

6. Valid

Arizona An allegation of neglect, abuse, dependency or exploitation received either in an initial report or during subsequent investigation which investigative facts, observations and professional judgements shows to have a reasonable relationship between the allegations and acts of commission or omission by the alleged perpetrator.

Oregon Investigation has shown abuse/neglect occurred.

7. Probable Cause

South Carolina Facts and circumstances based upon accurate and reliable information, including hearsay, that would justify a person to believe that a child subject to report under this article is abused or neglected.

B. Unsubstantiated

1. Unfounded

California A case is unfounded only if information is available which proves that the incident did not in fact occur (false report, inherently improbable, injury was accidental, or did not constitute child abuse).

Florida A report made pursuant to § 415.103 when a protective investigation determines that no indications of abuse, neglect, or exploitation exists.

Illinois Any report made under this act for which it is determined after an investigation that no credible evidence of abuse or neglect exists.

Nebraska The Department investigation determines that there is no credible evidence that abuse/neglect occurred or exists.

New York A report wherein investigators has determined no credible evidence of abuse/maltreatment exists.

Pennsylvania Neither founded/indicated.

Puerto Rico Abuse and neglect was not confirmed.

South Carolina A report made pursuant to this chapter for which there is no probable cause to believe that the child is abused or neglected. For the purposes of this article, it is presumed that all reports are unfounded unless the local child protection service agency determines otherwise.

Texas The worker and supervisor have concluded, based on applying logical reasoning to available information, that abuse or neglect did not occur or they are unable to conclude that abuse or neglect did occur in the reported situations.

Virginia A review of all the facts shows no reason to believe that abuse or neglect exists.

2. Unsubstantiated

Arkansas In the opinion of the investigator there is no credible evidence to believe that child abuse and/or neglect has occurred.

California Insufficient evidence to prove child abuse.

Massachusetts The Department has no reasonable cause to believe, that an incident of abuse or neglect by a caretaker did occur.

Michigan Credible evidence does not exist that child abuse/neglect occurred.

Minnesota The report is found to have no substance (i.e., there is no reason to suspect that abuse or neglect has occurred). Also, reports found to be "false" if occurring in a licensed facility.

Mississippi No reason found to open prevention/protection case.

Montana Upon completion of the investigation the reporting worker determined that the complaint did not occur, or is unable to make a determination due to lack of evidence.

North Carolina A social service decision in which the available facts and known circumstance give no reasonable cause to believe that a child is abused or neglected. Such facts and circumstances may relate to the initial allegations in the report and/or other information gathered by the worker.

Oregon Investigation has shown abuse/neglect recurred; cause or circumstance remain unknown or unclear.

3. Invalid

Arizona An allegation of neglect, abuse, dependency or exploitation received either in an initial report or during subsequent investigation which investigative facts, observations, and professional judgements shows not to have a reasonable relationship between the allegation and acts of commission or omission by the alleged perpetrator.

Oregon Investigation has shown abuse/neglect did not occur.

4. Not Confirmed

Hawaii Absence of evidence or supporting data to indicate abuse/neglect occurred.

5. Ruled Out

Maryland There was no injury or that injuries clearly have been accidentally caused or there was injury or sexual abuse of the child, but it was known to have been committed by someone, such as a neighbor or stranger, or any other identified person who did not have any care or custody of the child.

C. Unable to Determine

1. Unfounded/Reason to Suspect

California Evidence that there is abuse but not enough to substantiate.

Virginia A review of all the facts shows no clear and convincing evidence that child abuse or neglect exists. However, the child's situation gives the worker reason to believe that abuse or neglect may have occurred or the child may be at risk. The evidence must be documented in the case record at the time the disposition is made.

2. Unable to Substantiate

Minnesota Not enough criteria for a substantiated report are present, but there is reason to suspect abuse or neglect (e.g., the child shows signs of physical or emotional abuse or neglect but the social worker cannot logically refute the alleged perpetrator's denial). Also, reports found to be "inconclusive" if occurring in a licensed facility.

3. Unable to Locate

Kentucky
Rhode Island Subjects of abuse/neglect have not been located after good faith attempt.

4. Undetermined

Arizona An allegation of neglect, abuse, dependency or exploitation received either in an initial report or during subsequent investigation which investigative facts, observations and professional judgement do not confirm or refute a reasonable relationship between the allegation and acts of commission or omission by the alleged perpetrator.

Illinois Any report made under this Act in which it was not possible to initiate or complete an investigation on the basis of information provided to the Department.

5. Uncertain

Oklahoma No determination can be made after reconfirmation or ruled out (same as undetermined).

6. Suspected Report

South Carolina All initial reports of child abuse or neglect received pursuant to this article.

7. Reason to Believe

Texas The worker and supervisor have concluded, based on applying logical reasoning to available information that abuse or neglect has occurred in the reported situation. This does not include situations in which staff are uncertain about findings, cannot determine if abuse/neglect occurred, or find no actual abuse or neglect or threat of abuse or neglect.

APPENDIX H

Lexis Search for Related Cases
to Child Abuse/Neglect

LEVEL 1 - 44 CASES

1. PLANNED PARENTHOOD AFFILIATES OF CALIFORNIA et al., Petitioners, v. JOHN K. VAN DE KAMP, as Attorney General, etc., et al., Respondents., No. A032610., First Dist., Div. Five., 181 Cal. App. 3d 245; 226 Cal. Rptr. 361, May 21, 1986; As Modified on Denial of Rehearing June 16, 1986; Review Denied July 31, 1986
2. COUNTY OF SANTA CLARA et al., Plaintiffs, Cross-defendants and Respondents, v. SUPPORT, INCORPORATED et al., Defendants, Cross-complainants and Appellants. SUPPORT, INCORPORATED, Cross-complainant and Appellant, v. STATE DEPARTMENT OF BENEFIT PAYMENTS, Cross-defendant and Respondent., Civ. No. 41266. Civ. No. 42098., First Dist., Div. Two., 89 Cal. App. 3d 687; 152 Cal. Rptr. 754, Jan. 24, 1979; as modified Feb. 22, 1979, on denial of petition for rehearing. Hg. den. Mar. 29, 1979
3. E.C.L., Petitioner-Appellee, v. Denver Department of Social Services and State Department of Social Services, Respondents-Appellants, No. 85CA0832, Court of Appeals of Colorado, Division Three, Slip Opinion, April 2, 1987, Decided; Rehearing denied April 30, 1987; Certiorari granted E.C.L. September 8, 1987
4. STEPHEN LEHMAN, et al., Plaintiffs-Appellants, v. FRANK STEPHENS et al., Defendants-Appellees, No. 4-86-0041, Appellate Court of Illinois, Fourth District, 148 Ill. App. 3d 538; 499 N.E.2d 103; 101 Ill. Dec. 736, October 9, 1986
5. THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. LOWELL ERP, Defendant-Appellant., No. 4-84-0529, Appellate Court of Illinois, Fourth District, 134 Ill. App. 3d 397; 480 N.E.2d 865; 89 Ill. Dec. 383, July 10, 1985; Rehearing denied August 7, 1985.
6. STATE OF IOWA, Appellant, vs. JEANNE JACKSON, Appellee, No. 85-237, Supreme Court of Iowa, 383 N.W.2d 578, March 19, 1986, Filed; Rehearing Denied April 15, 1986
7. GLADYS B. KLEMAN, Appellee, vs. CHARLES CITY POLICE DEPARTMENT, Defendant, and CHARLES CITY PRESS, INC.; and DAVID S. OVERBY, Appellants., 132 / 84-1161, Supreme Court of Iowa, 373 N.W.2d 90; 12 Media L. Rep. 1030, August 21, 1985, Filed
8. In Re: Neil C., No. 93, Court of Appeals of Maryland, 308 Md. 591; 521 A.2d 329, March 2, 1987, Filed
9. JOHN SMITH, JR. v. STATE OF MARYLAND, No. 485, September Term, 1984, Court of Special Appeals of Maryland, 62 Md. App. 670; 491 A.2d 587, May 8, 1985, filed
10. ROBERT T. MULLIGAN v. STATE OF MARYLAND, No. 343, September Term, 1968., Court of Special Appeals of Maryland, 6 Md. App. 600; 252 A.2d 476, April 25, 1969, Decided

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LEXIS.

11. State of Missouri ex rel. Ira Gladfelter and Barbara Gladfelter, Appellants, vs. J. Joseph Lewis, Director Missouri Department of Social Services Division of Family Services Jackson County Office, Respondent., No. WD30802, Missouri Court of Appeals Western District, 595 S.W.2d 788; Motion History: NONE FILED, 03/03/80

12. PETITION OF LANA AND LEON BAGLEY (New Hampshire Division for Children and Youth Services), No. 85-248, Supreme Court of New Hampshire, 128 N.H. 275; 513 A.2d 331, July 9, 1986

13. State of New Jersey, Plaintiff-Respondent, v. John Thomas Cusick, Defendant-Appellant, No. A-2300-84T4, Superior Court of New Jersey, Appellate Division, 219 N.J. Super. 452; 530 A.2d 806, July 23, 1987, Decided; Approved for publication September 10, 1987

14. In the Matter of Juanita De Carlo, Petitioner, v. Commissioner of Social Services of the State of New York, Cesar P. Perales, et al., Respondents, No. 54525, Slip Opinion, Supreme Court of New York, Appellate Division, Third Department, October 15, 1987

15. LISA GRANT et al., on Behalf of Themselves and All Others Similarly Situated, Respondents, and CAROLYN LEE et al., on Behalf of Themselves and All Others Similarly Situated, Intervenors-Respondents, v. MARIO M. CUOMO, as Governor of the State of New York, et al., Defendants, and EDWARD I. KOCH, as Mayor of the City of New York, et al., Appellants, [No number in original], 130 A.D.2d 154; 518 N.Y.S.2d 105, Supreme Court of New York, Appellate Division, First Department, July 9, 1987

16. Muriel Kempster, etc., et al., respondents, v. Child Protective Services of the Department of Social Services of the County of Suffolk, defendant, John T. Mather Memorial Hospital, appellant, No. 2416E, 130 A.D.2d 623; 515 N.Y.S.2d 807 Supreme Court of New York, Appellate Division, Second Department, May 18, 1987

17. DELVORINE COOPER et al., Petitioners, v. JOHN WILEY et al., Respondents, 128 A.D.2d 455; 513 N.Y.S.2d 151, Supreme Court of New York, Appellate Division, First Department, March 24, 1987

18. In the Matter of JESSICA MM., Alleged to be a Permanently Neglected and Severely Abused Child; CLINTON COUNTY DEPARTMENT OF SOCIAL SERVICES, Respondent; LAURIE MM. et al., Appellants, 122 A.D.2d 462; 504 N.Y.S.2d 850, Third Department, July 24, 1986

19. In the Matter of VICTORIA STOOPS, Petitioner, v CESAR A. PERALES, as Commissioner of the New York State Department of Social Services, et al., Respondents, 117 A.D.2d 7; 501 A.D.2d 489; 501 N.Y.S.2d 489, Third Department, April 24, 1986

20. In the Matter of WADE HOOVER, Petitioner, v. JOSELLE G. WATERS et al., Respondents, 119 A.D.2d 575; 500 N.Y.S.2d 1005, Second Department, April 7, 1986

21. In the Matter of MARGARET LIVECCHI, Petitioner, v CESAR PERALES, as Commissioner of the New York State Department of Social Services, Respondent, 118 A.D.2d 714; 500 N.Y.S.2d 45, Second Department, March 17, 1986

22. In the Matter of SYBIL EBANKS, Petitioner, v CESAR A. PERALES, as Commissioner of New York State Department of Social Services, Respondent, 111 A.D.2d 331; 489 N.Y.S.2d 313, Second Department, May 20, 1985

38. CHILDREN & YOUTH SERVICES DIVISION, DEPARTMENT OF HUMAN SERVICES, COUNTY OF NORTHAMPTON, PENNSYLVANIA, Petitioner, v. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE, Respondent, No. 3488 C.D. 1984, Commonwealth Court of Pennsylvania, 520 A.2d 1246, February 11, 1987, Filed

39. LEHIGH COUNTY OFFICE OF CHILDREN AND YOUTH SERVICES, Petitioner v. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE, Respondent, No. 52 C.D. 1985, Commonwealth Court of Pennsylvania. 514 A.2d 1305, October 24, 1986. Filed

40. ALCIDES CRUZ, Petitioner v. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE, Respondent, Commonwealth Court of Pennsylvania, 80 Pa. Commw. 360; 472 A.2d 725, February 21, 1984

41. J.H., Petitioner v. COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE, Respondent, Commonwealth Court of Pennsylvania, 73 Pa. Commw. 369; 457 A.2d 1346, April 11, 1983

42. In The Interest of Eric Keith Solomon, A Child Hardy S. Solomon, Appellant v. Elaine F. Solomon, Appellee, No. 8,397, The Sixth Court of Civil Appeals, Texarkana, 546 S.W.2d 129, Jan. 18, 1977

43. Alan Fettig and Betty Fettig, Respondents, v. State of Washington, Department of Social & Health Services, Appellants, No. 18661-2-I, Court of Appeals of Washington, Division One, Slip Opinion, October 19, 1987, Filed

44. STATE OF WISCONSIN, Plaintiff-Respondent, v. ROGER PHILLIP MAURER, Defendant-Petitioner. n+ n+Petition to review pending., No. 84-1262-CR-LV - UNPUBLISHED LIMITED PRECEDENT OPINION, Court of Appeals of Wisconsin, District IV, 122 Wis. 2d 776; 362 N.W.2d 447, December 6, 1984

APPENDIX I

List of Interviews

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List of Interviews

Colorado

Pam Hinish, Director of Central Registry

Kay Cox, Staff Assistant

Bonnie Short, Administrative Clerk

Janet Motz, Program Administrator

Wade Livingston, First Assistant Attorney General

Chris Corman, Boulder Co., Protective Services (Telephone Interview)

William Zigler, Protective Services Supervisor (Telephone Interview)

Walter Johnson, Management Analyst

Linda Colizzo, Adams County DSS

Sue Heines, Adams County DSS

Mary Alice Bramming, Denver County DSS

Connecticut

Kathryn Giglio, Director, Central Registry

Bernard Harrower, Director, Data Processing

Lila Kove, Ph.D., Principal Research Analyst

Peggy Wajdowicz

Jack Snyder, Records Administration Unit

David English

Linnea Loin

Walter Pawlkiewicz, Director of Research and Evaluation

Barbara Kenny, Executive Assistant to the Commissioner

Ken Witzel, Day Care Licensing Screenings

Lorraine Benson, Director of Administrative Hearings

Florida

Martin Cox, Deputy Assistant Secretary for Operations

Martha Gillette, Acting Director, Abuse Registry

Thomas J. Golder, Operations Management Consultant II

Janice Carter, Abuse Registry Supervisor

Susan Fairchild, Abuse Registry Counselor

Valerie Carnett-Castro, Abuse Registry Counselor

Allen Spradling, Telecommunications Specialist

Joe Lewis, Systems Project Analyst

Elaine New, Office of General Counsel Assistant General Senior,
Attorney Counsel

Chris Shoemaker, Human Services Program Analyst

Jim Jolley, Computer Systems Programmer Analyst

William Sanders, Caretaker Screening Coordinator

Jane Wise, District 2, Single Intake Counselor

Janis Ahearn, District 2, Human Services Counselor II
Adult Protective Services

Illinois

Tom Villiger, Deputy Director, Division of Child Protection

Patricia Sommer, Office of Quality of Control and Reporting

Louis Martinez, Office of Quality Control and Reporting

Ed Cotton, Administrator, State Central Register

Foster Centola, Chief, Office of Quality Control and Reporting

Barbara Oakes, Systems Analyst

Louisiana

Terry L. Gibson, Bureau Director, Programs

Walter Fahr, Child Protection Investigation Program Manager

Terry Skaggs, Office of Human Development, Information Management Unit

Gayla Moncla, LSU Law Student under contract to study State Central Registries

Brenda Lands, Information Management

New Hampshire

Loretta Petrin, Central Registry

Rosemary Shannon, Child Abuse Prevention Specialist

Sylvia Gale, Child Abuse Prevention Specialist

Dagny Fecht, Fair Hearings Officer

Judy Bell, Attorney, Office of Legal Affairs

Winston Grady, Policy Development Supervisor

Sabin Guertin, Technical Support

Roger Desrosiers, Administrator I

Bob Letellier, Bureau Chief, Bureau of Child Care State Licensing

Gale DeGoosh, Foster Care Specialist

Betty Bernat, Area Administrator, North Region

Pennsylvania

Warren L. Lewis, Director of ChildLine

Joseph L. Spear, Director, Division of Protective Services

R. Scott Fries, ChildLine Supervisor

Larry K. Yarborough, ChildLine Supervisor

Linda Hummel, Administrative Assistant

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Carolyn Myrick, Former Acting Caseworker Supervisor

Deb Orwan, Second Shift Clerical Supervisor

Lawrence Woods, Chief, Research, Evaluation and Statistical Analyses

Patricia H. O'Neal, Former Director, Office of Hearings and Appeals

Samuel A. Yeagley, Jr., Administrator, Dauphin County Social Services

Elizabeth Baer, Child Protective Services Supervisor, Dauphin County

Utah

Gary Jensen, Director of the Central Register

Leonard Johnson, Manager of the Register Data Base

William Ward, Assistant Director, Division of Family Services

Joan Cooper, Protective Service Intake Worker

David Salter, Foster Home Licenser

Linda Luinstra, Assistant Attorney General

Virginia

Rita Katzman, Child Protective Services Unit Supervisor

Amy Davis, Supervisor of Child Protective Services Hotline

Lynne Edwards, Supervisor of Child Protective Services, Information
Systems

Rebecca Beattie, Hotline Worker

Anne Hardy, Office Assistance

APPENDIX J

Steps in the Decision to Automate

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Steps in the Decision to Automate

For illustration purposes, it is assumed that hypothetical Registry X has decided that the clearinghouse function is its most important function and that it has decided to automate some aspects of this function. The next step for Registry X is to decide what to automate. Trying to consider all the variables involved in such a decision simultaneously is virtually impossible. Posavac and Carey (1980) suggest one method for "disaggregating" or breaking down a decision into steps called the Multi-Attribute Utility (MAUT) Method. This method is outlined below to provide one approach to the decision-making process.

Assuming that Registry X has chosen to automate its centralized clearinghouse function, the first step is to identify the kinds of software and hardware applications that will facilitate the clearinghouse function. After a discussion with registry personnel, four automation options are suggested:

- o a phone system that connects an incoming call with the first available phone line,
- o a computer system that allows on-line data entry,
- o a computer program that automatically expunges unsubstantiated reports, and
- o a computer program that automatically generates required notification letters for individuals named in substantiated reports.

The next step is to consider the criteria that should be used for judging the value of the various options and rank order the criteria in terms of importance. This step requires the registry decisionmakers to discuss possible criteria and agree on criteria importance. After

extensive discussions, Registry X decisionmakers agree on the following four criteria in rank order:

1. reduces the time it takes to accept report information,
2. increases the accuracy of report information,
3. requires minimum staff training, and
4. allows staff more time to perform other duties.

The next step requires the decisionmakers to assign weights to the criteria. A scale is chosen for ease of ranking e.g, 0 to 100. Each criterion is considered in relation to the others, starting with the least important criterion. In the example, the least important criterion is "allows staff more time to perform other duties." This criterion is given an arbitrary rating of 10. The importance of the next criterion, "requires minimum staff training" is considered half again as important as "allows staff more time to performs other duties." Therefore, this criterion is assigned a rating of 15. The next criterion on the list is "increases the accuracy of report information." This criterion is considered essential to the clearinghouse function and is rated three times as important as the previous criterion "requires minimum staff training." Finally, the last criterion to be considered is "reduces the time it takes to accept report information." After considerable debate, the decisionmakers consider this criterion as important as the previous criterion. Therefore, the weights are assigned as follows:

<u>Weight</u>	<u>Criterion</u>
45	reduces the time it takes to accept report information
45	increases accuracy of report information
15	allows staff more time to perform other duties
10	requires minimum staff training

The weights are then normalized for subsequent calculations. This is accomplished by dividing each weight by the sum of the weights and multiplying by 100. The normalized weights are 39, 39, 13, and 9, respectively.

The decisionmakers then consider the probability that a criterion will be maximized by a particular option. For example, what is the likelihood that a phone system that connects an incoming call with the first available phone line (Option 1) will reduce the time it takes to accept a report (Criterion 1)? Most of these judgments will be subjective, but objective data may be available from the phone company or from another registry that uses the phone system under consideration. For this example, the decisionmakers assign a probability of .75 to the option because a more efficient phone system will reduce the time callers must wait before their calls are forwarded to an open line. Similarly, each option is assigned a probability for each criterion:

<u>Options</u> (Assigned Probabilities)	<u>Criteria</u>			
	1	2	3	4
Phone System	.75	.00	.10	.90
On-line data entry	.50	.50	.70	.20
Expungement program	.00	.80	.75	.90
Notification program	.00	.80	.50	.90

These probabilities are multiplied by each criterion's normalized weight and summed across to obtain a utility score for each option:

(Weight)	<u>Criteria</u>				<u>Utility</u>
	1 (39)	2 (39)	3 (13)	4 (9)	
<u>Options</u> (Probabilities x Weights)					
Phone system	29.25	0.00	1.30	8.10	38.65
On-line data entry	19.50	19.50	9.10	1.80	49.90
Expungement program	0.00	31.20	9.75	8.10	49.05
Notification program	0.00	31.20	6.50	8.10	45.80

Based on the MAUT procedure the on-line data entry system will have the most utility for meeting the criteria specified. The expungement program is a close second and should be developed if Registry X has enough resources.

Obviously, the decisionmaking process has been simplified for illustration purposes. However, the most important point is to be as specific as possible at the front end of the decisionmaking process. Connecticut provides a good example of this. Only after registry personnel took the time to define exactly what a case is; and the steps involved in processing a case, was a successful information system developed. Several systems, including outside vendors, were tried, but the system was not successful until registry personnel clarified their needs and specified the possible remedies.