

# CHILD PROTECTION REGISTRY REFORM

**Department for Children and Families (DCF)  
Family Services Division (FSD)**

**Options and Opportunities for System Improvement**

# What is the purpose of the Child Protection Registry (CPR)?

- Per [33 V.S.A. § 4911\(5\)](#): “...balances the need to protect children and the potential employment consequences of a registry record for persons who are substantiated for child abuse and neglect.”
- The registry ensures that those who should not have access to vulnerable individuals are prevented from having those opportunities.

# Internal Review & Learning

National conversations about child protection registries, combined with local feedback, caused us to conduct our own research and analysis. Leading up to the stakeholder engagement work and where we are today, we reviewed and analyzed:

- 33 cases where substantiations were overturned by the Commissioner's Registry Review Unit (CRRU);
- 104 Human Services Board (HSB) review decisions regarding substantiations; and
- 41 processes and use of child protection registries.

# FSD Review of CRRU Overturns

Data Set: The 33 CRRU overturns reviewed include decisions made by the reviewer between 2020-2023. The cases included the work of 7 CRRU reviewers and included cases from 10 different districts as well as Residential Licensing and Special Investigations Unit (RLSI). In addition to reviewing the documents generated by the CRRU process, FSDNet documents created by the Family Services Worker (FSW) during the child safety intervention were reviewed for each case.

# What did we find?

## Key impressions:

- 6 cases were pre-2003, basis for overturn in policy changes
- 4 cases were aligned with policy and statute, had proof of maltreatment at a reasonable person standard, and had strong documentation
- In 23 cases, the decision to overturn was reasonable:
  - Lack of documentation
  - Incorrect maltreatment type, or only one type when multiple existed
  - Lack of corroborating information

# Our North Star

We value child safety. We believe that most children are best protected and cared by their family.

We value opportunity for the children and families we serve. We strive not to limit opportunity and carefully consider the impacts of our involvement.

We want those we serve, children and their families, to be better off because we were involved in their lives.

# Continuous Quality Improvement (CQI)

System feedback is GOOD! And....it may not always feel that way!

Healthy systems can take feedback, examine it, integrate their own findings and impressions, and move forward through a CQI cycle. Our work and our practice are continually under review.

FSD has a long history of commitment to looking at its practices and adjusting as needed to better protect children and serve families.

# Options for System Refinement

Restrict Retention of Unaccepted Intakes (Impact Track Assignment)

Restrict Access to Investigation Track

Greater Scrutiny of Substantiation Decision (Quality and Utility)

Options to Substantiate without CPR Placement

Child Protection Registry

Auto Expunge



# Options for Systems Improvement

Training Redesign

Centralized Substantiation  
Review Process

Secondary Considerations

Preponderance of Evidence

Expand Administrative Review  
Timelines

## What are “secondary considerations”?

An applied set of criteria or guidance which helps differentiate those instances of abuse and neglect which might or might not equate to an individual posing a risk to the safety, health, and well-being of vulnerable populations.

# Categories of Approaches

## Agency Discretion

Allows for independent judgment that the case should not be placed on the registry

## Structural Approach

Have different types of findings and depending on the finding, the case will or will not go onto the registry

## Individualized, Routinized Case Analysis

Policy that pushes the workforce to analyze every case where they could substantiate to determine if they should place the person on the registry.

## Blend of Structural and Individualized

finding that is “confirmed – no registry”. Cases are eligible for “confirmed – no registry” if they are determined to be “minor, isolated and unlikely to reoccur”.

## Post – Substantiation Discretion

substantiate cases, place them on the registry but then have discretion to not report out certain types of findings at the point of a background check.

# National View

**In 14 of the 41 states interviewed, a secondary level of consideration prior to registry placement is available or required.**

- Arkansas
- Connecticut
- Delaware
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maryland
- Montana
- New Jersey
- Oklahoma
- Utah
- Wisconsin
- Rhode Island

# A Few States/Approaches to Highlight

**New Jersey:** “Substantiated” cases go on the registry; “established” cases do not. Uses a routinized analysis of aggravating and mitigating circumstances on every case to determine placement on the registry looking at things like repeated maltreatment, age of child, and seriousness of injury.

**Delaware:** Supervisor can request registry tier change to “substantiated-no registry”. They also look at aggravating and mitigating circumstances.

**Connecticut:** All substantiated cases are analyzed to assess risk. Severity, chronicity, substance use, and intimate partner violence are considered.

# What do we propose?

- This is complex and there do not seem to be any validated tools, or evidence-based approaches yet nationally.
- We know how important this is. Who should and shouldn't go on the child protection registry is a large conversation that should involve stakeholders from all corners, particularly those that depend on the CPR to hire employees (schools, daycares, etc.)
- We have done the foundational work and are ready to take the next step to lead an in-depth broad-based stakeholder workgroup to make recommendations about which approach is right for Vermont.

# Proposal: Implement Internal FSD Centralized Substantiation Review

- Currently, intent to substantiate can occur after only the district office supervisor has reviewed the case.
- Maltreatment determinations are difficult to make; errors in decision-making can be detrimental with other far-reaching impacts.
- Consistency is important. Families in different parts of the state should not have different experiences or outcomes.
- Decisions can be impacted by time limitations and workload pressures, varying skill sets and experience, individual values or attitudes, personal and professional experience and/or biases.

# How will it work?

Situated in central office

Support from QA and/or legal

Peer review component

Defined expectations



# Training Redesign

- We are currently partnering with UVM's Child Welfare Training Partnership (CWTP) to redesign our foundation level trainings for new employees.
- General to role-specific
- Four full days and online work devoted to conducting assessments investigations
- Advanced practicums are offered in physical abuse, sexual abuse, human trafficking, chronic neglect, and addressing danger with safety plans.

# Stakeholder Conversations

A community wide dialogue to gather input and test our ideas

# What did we hear?

- That people want a fair and balanced system
- That we need to maintain our focus on child safety
- That some aspects of our current system could use some improvements
- That there is much interest in ongoing workgroups to dive more deeply into the recommendations

# Next Steps

**The stakeholder work has been so valuable and will be very important as we begin to shape the future of Vermont's Child Protection Registry.**

Vermont's Children's Justice Act Task Force is well situated to oversee the following workgroups:

- centralized substantiation review
- secondary considerations
- recording interviews

Meetings are scheduled throughout the rest of the year. Please let us know if you are interested in joining!

# Automatic Expungement Options Being Explored

- Our data systems limit how we might approach automatic expungement. For example, if we move to a different standard of evidence such as ‘preponderance’, there is no data field within our existing system which would allow for an automatic expungement based on that change.
- We are interested in doing research into approaches taken by other states, and exploring what might be possible with our current data systems.
- Stakeholder input will be important!

# Resource List

Vermont's Child Protection Registry Informational Document for Stakeholders:

<https://outside.vermont.gov/dept/DCF/Shared%20Documents/FSD/Publications/Child-Protection-Registry-Reform-Informational-Document.pdf>

New Jersey DCF Investigative Finding Policy: <https://dcfpolicy.nj.gov/api/policy/download/CPP-II-C-6-100.pdf>

Delaware DSCYF Child Protection Registry Policy: <https://kidsfiles.delaware.gov/policies/dfs/policy-1501-child-protection-registry-5.13.21.pdf>

Connecticut DCF Policy Criteria for Recommendation for Placement on the Central Registry: <https://portal.ct.gov/-/media/DCF/Policy/Chapters/22-4.pdf>

New York Memo RE: Change in Standard of Evidence for Child Substantiations

[https://ocfs.ny.gov/main/policies/external/ocfs\\_2021/ADM/21-OCFS-ADM-26.docx](https://ocfs.ny.gov/main/policies/external/ocfs_2021/ADM/21-OCFS-ADM-26.docx)