

# CHILD PROTECTION REGISTRY REFORM

**Department for Children and Families**  
**Options and Opportunities for System Improvement**

Intake Report

Not accepted

Goes to district for 2<sup>nd</sup> read

Accepted

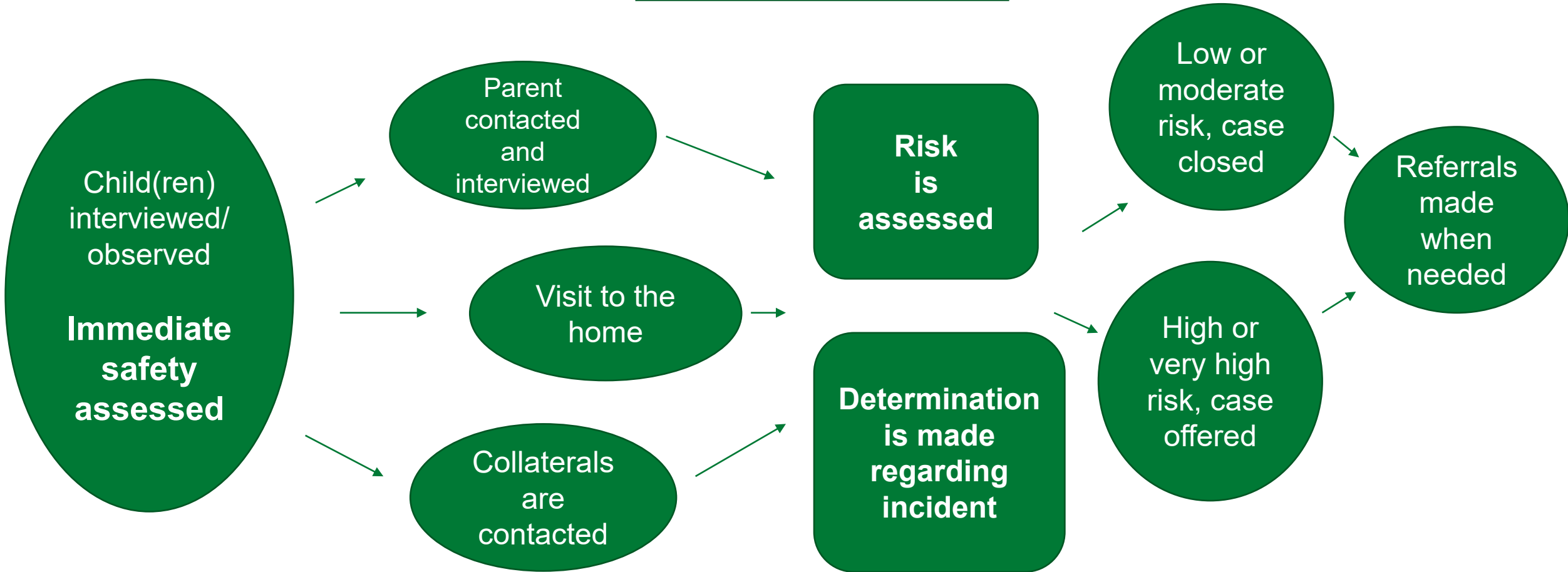
track assignment

Assigned to family services worker

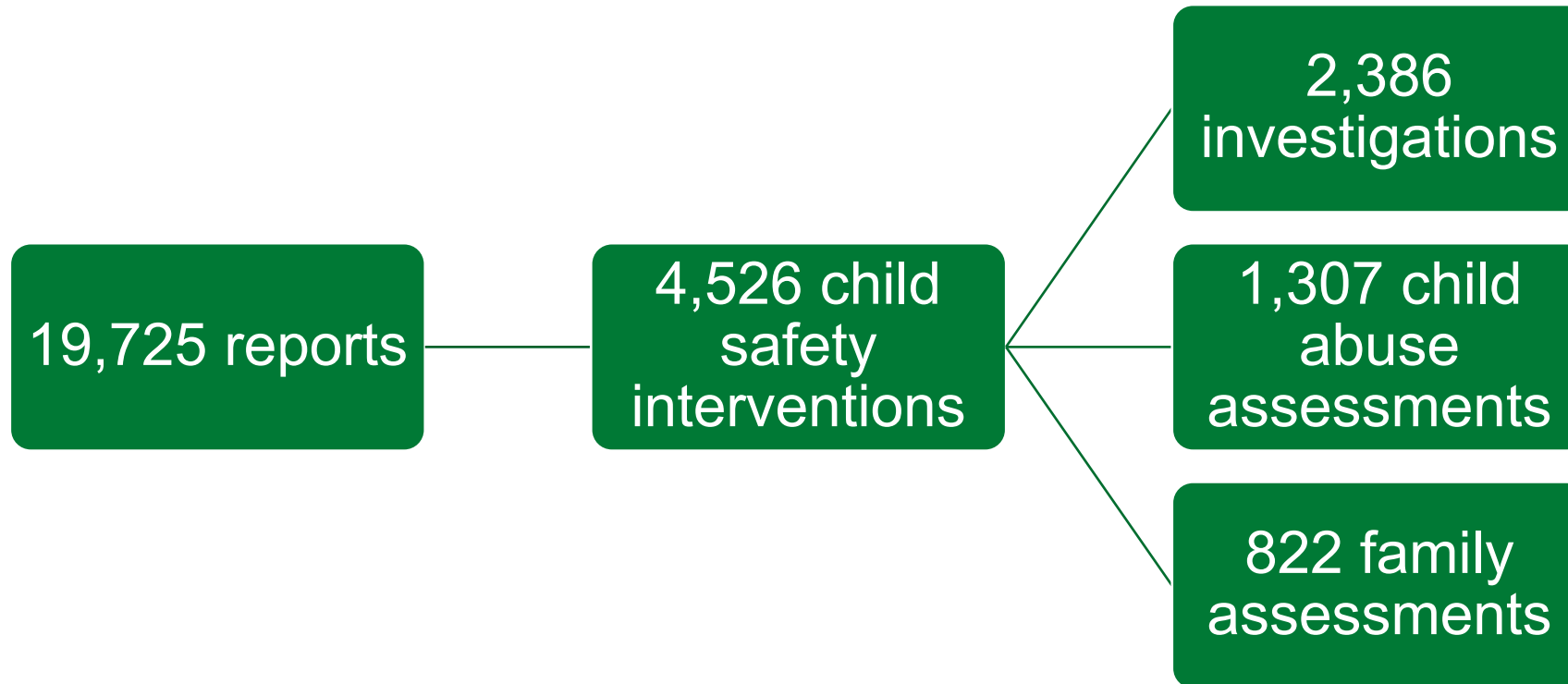
Assessment

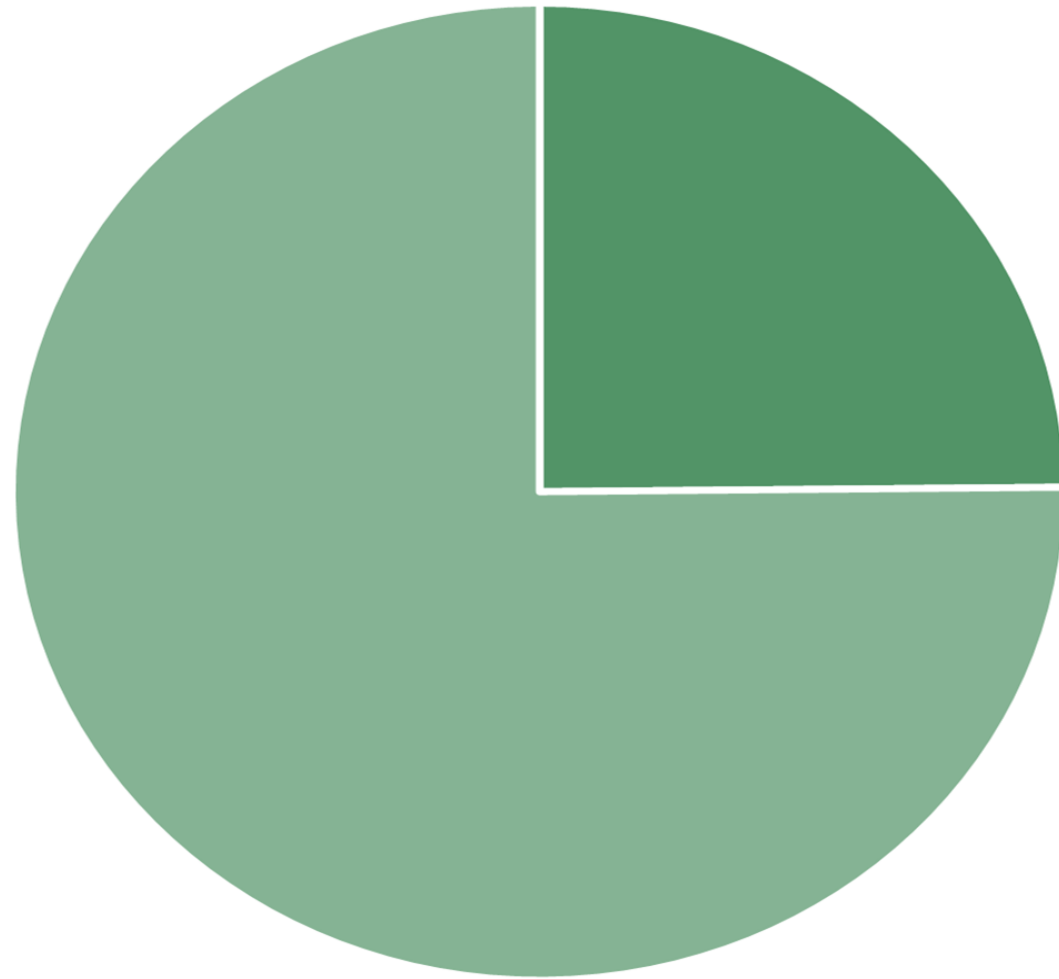
Investigation

# Investigations



# In Calendar Year 2022:





■ substantiated   ■ unsubstantiated

Out of **2,386** investigations, opened in 2022, **593** were substantiated.

**When an investigation results in a substantiated report, DCF must notify the individual alleged to have abused or neglected the child of:**

**(33 V.S.A. § 4916a)**

- The nature of the substantiation
- The intent to place the individual's name in the Child Protection Registry and its implications
- The right to request a review of the decision
- The right to receive written findings of that decision

Sent by first class mail to the individual's last known address.

# What is the child protection registry?

A database containing records of all investigations that resulted in a substantiated report on or after January 1, 1992.

[33 V.S.A. § 4916](#)

# What is the purpose?

- 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.



# Who can a child protection registry record be disclosed to?

Individuals requesting a SELF check

A person or organization in Vermont who employs or contracts with individuals to care for or provide transportation services to children or vulnerable adults on either a paid or volunteer basis

Out-of-state employers, staffing agencies, third-party background checking agencies

Others to whom the Commissioner is authorized to disclose such records pursuant to 33 V.S.A. § 4919

# What is in a registry record?

- The person's name
- At least one other fact to help identify them (e.g., date of birth)
- The date and nature of the finding
- A child protection level related to their risk of future harm to children — for all records added on or after July 1, 2009

# How can a registry record affect someone?

It could affect their ability to:

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

# Is a registry record permanent?

As long as the person is NOT required to be on the Sex Offender Registry, they may request a review to have their name expunged (removed) from the registry once it has been on for a certain number of years.

# Levels

- A child protection level is related to the person's risk of future harm to children.
- The following factors are considered:
  - The nature of the conduct/the extent of the child's injury
  - The person's prior history of child abuse or neglect as either a victim or perpetrator
  - Any adjudication in criminal court or family court findings
  - The person's response to the investigation, acceptance of responsibility for the conduct, ability and willingness to engage in recommended services
  - Any prior termination of parental rights
- There are four different possible level designations.

Date of Substantiation	Level	Years Since Substantiation
Before 7/1/2009	N/A	3 Years
Between 7/1/2009 and 2/28/2019	Level 1	7 Years
Between 7/1/2009 and 2/28/2019	Level 2	3 Years
After 3/1/2019	Level 1	15 Years
After 3/1/2019	Level 2	7 Years
After 3/1/2019	Level 3	3 Years
After 3/1/2019	Level 4	1 Year

# Data

There are approximately **25,000** registry records on the Vermont Child Protection Registry.

# Child Protection Registry Checks Processed by Centralized Intake & Emergency Services (CIES)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
<b>Online Account</b>	50,845	47,299	53,602	56,465	55,921	55,829	57,538	62,103	52,160	58,073	56,541
<b>Paper Forms</b>	Not available	Not available	Approx. 699	838	971	1,214	1,217	1,295	1,378	1,020	1,181
<b>Total</b>			Approx. 54,301	57,303	56,892	57,043	58,755	63,398	53,538	59,093	57,722



# Why make changes?

Every child welfare system operates under a continuous quality improvement framework. Our work and our practice are continually under review. We are always evolving; we are always improving. We know our work is never done.

At the federal level within the Children's Bureau, over 50 years of data demonstrate disproportionality within child welfare processes. Therefore, many states are looking at their child protection registries.

Child welfare, as a profession, is keenly aware that structural racism, socio-economic oppression, and implicit biases have led to disproportionalities in child welfare systems across the country.

These conversations nationally, combined with local feedback and questioning of our system here in Vermont, caused us to conduct our own research and analysis.

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 states' substantiation processes and use of child protection registries.

# Options within H.661

- Moving from the reasonable person standard to a preponderance of the evidence standard
- Expansion of time frames for reviews

# Reasonable Person Standard

[33 V.S.A. § 4916a\(e\)](#) states: “The Department shall have the burden of proving that it has accurately and reliably concluded that a reasonable person would believe that the child has been abused or neglected by that person.”

# Preponderance of Evidence

The evidence shows that the underlying claim is more likely than not to be true (i.e., 51% or more).

# Hybrid of Evidentiary Standards (DAIL)

[33 V.S.A. § 6906](#) states: “The Department shall have the burden of proving that, based upon a preponderance of evidence, it concluded that a reasonable person would believe that the vulnerable adult has been abused, neglected, or exploited by that alleged perpetrator.”

# Commissioner's Registry Review Unit (CRRU) & H.327

**An individual who has been substantiated for abuse or neglect of a child has due process rights and can request an administrative review before their name is placed in the Child Protection Registry.**



# In 2023, the Commissioner's Registry Review Unit (CRRU)

- Processed 517 requests
- Conducted 447 reviews of substantiations and/or petitions for expungement of registry records
- Finalized 339 review and expungement decisions
- These numbers represent roughly 75% of pre-covid numbers

# Appeals

First:

- A request for review is made to the CRRU
- The CRRU contracts with independent administrative registry reviewers to conduct reviews of the substantiation determination
- The reviewer meets with the individual who can provide documentation or other information for the reviewer to make the most accurate decision
- The burden is on DCF to prove that law and policy criteria for substantiation were met

## Appeals (cont.)

Second:

- If the reviewer upholds the substantiation, the individual can appeal that decision to the Human Services Board (HSB).

Third:

- If the HSB affirms the substantiation determination, the individual can appeal to the Vermont Supreme Court.

# Expungement

A person placed on the registry can petition for expungement of their registry record after a certain number of years.

- When CRRU formed in 2007, all individuals could petition after 3 years
- In 2009 two levels: 3 and 7 years (all juveniles could petition after 3 years)
- In 2019 four levels: 1, 3, 7, and 15 years (juveniles can petition after 1, 3, or 7 years)

**Extend  
timeframe  
for appeal**  
**§ 4916a(c)(1)**

- From 14 to 30 days after the date the substantiation notification was mailed by DCF to the individual
- Consistent with timeframe for HSB appeals
- Does not have significant impact on scheduling review meeting or child safety
- Extension for good cause extended to 60 days from 28 days

**No review  
if no  
contact/  
no show**

**§4916a(d)(2)**

- Allows the placement of a name in the Child Protection Registry without holding a review when an individual fails to follow through with scheduling or attending a review meeting
- In 2023 these involved nearly 19% of all decisions (rev/exp)
- Can focus resources on actual reviews
- The individual retains the right to appeal to the HSB

# Virtual Meetings

## § 4916a(e)

- During a declared state of emergency in Vermont restricting in-person conferences, the review shall be held by virtual conference
- Currently allowed only at the substantiated individual's request
- Child safety compromised when registry records could not be created for several months

# Expungement Timeframes

## §4916c(a)(1)

- The Commissioner shall develop rules related to expungement timeframes pursuant to § 4916
- Rules enacted in 2019 have 4 tier levels
- Brings expungement timeframes in line with legislative rules



# Expanded Timeframes

§4916d

- Removes language stating that all juveniles can petition after 3 years

# CRRU Data

**405** Substantiated investigations processed for reviews and expungements. Involved **526** victims of abuse & neglect.

## Reviews (170 substantiated individuals) in 2023

Decision	# of Substantiations	% of Outcomes
Upheld	207	82.5%
Overtured or Reopened	44	17.5%

## Expungements (169 substantiated individuals) in 2023

Decision	# of Substantiations	% of Outcomes
Granted	129	60.6%
Denied	46	21.6%

Calendar Year	% of Decisions Upheld
2022	85.7%
2021	82.1%
2020	86.8%

## 45 Decisions Appealed to the Human Services Board (HSB) in 2023

**Acknowledgement:** CRRU has database limitations and all information contained on this slide are estimates and hand counted.

# 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

Vermont's Children's Justice Act Task Force will oversee the following workgroups:

- centralized substantiation review
- secondary considerations
- recording interviews

Additionally, we are re-designing our foundational training to be role specific.

# Other options considered by FSD and stakeholders

- Instituting an internal and centralized layer of oversight and review for all substantiations
- Applying a secondary layer of consideration to all substantiations prior to name placement on the Child Protection Registry

# Database & IT System Considerations

We continue to advocate for funding of a Comprehensive Child Welfare Information System (CCWIS).

# H.689

An act relating to child abuse and neglect allegations involving military personnel

- We are reviewing the bill, researching other states' approaches, and contemplating the implications for implementation.
- We are interested in learning more about the MOUs created in other states and seeing examples (particularly from another state without military bases).
- We are concerned about the technological aspect of gathering military status data at the point of reporting child abuse and neglect.



**Thank you!**