

1 S.158

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Child welfare; Child Protection Registry

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 Department for Children and Families to evaluate the risk of future harm to
8 children prior to creating a Child Protection Registry record for a substantiated
9 report of child abuse or neglect.

10 An act relating to the Child Protection Registry

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 33 V.S.A. § 4916 is amended to read:

13 § 4916. CHILD PROTECTION REGISTRY

14 (a)(1) The Commissioner shall maintain a Child Protection Registry, which
15 shall contain a record of all investigations that have resulted in a substantiated
16 report on or after January 1, 1992. ~~Except as provided in subdivision (2) of~~
17 ~~this subsection, prior to placement of a substantiated report on the Registry, the~~
18 ~~Commissioner shall comply with the procedures set forth in section 4916a of~~
19 ~~this title~~ found by the Commissioner to indicate a risk of future harm to a child
20 or other children. In evaluating whether the individual substantiated for abuse

1 or neglect poses a risk of future harm to children, the Commissioner shall
2 consider:

3 (A) whether the substantiation was based upon a single, isolated
4 act; and

5 (B) whether the person substantiated for abuse or neglect has
6 engaged in rehabilitative behaviors since the conduct resulting in the
7 substantiation.

8 (2) Except as provided in this subdivision, prior to placement of a
9 substantiated report on the Registry, the Commissioner shall comply with the
10 procedures set forth in section 4916a of this title. In cases involving sexual
11 abuse or serious physical abuse of a child, the Commissioner in his or her sole
12 judgment may list a substantiated report on the Registry pending any
13 administrative review after:

14 (A) reviewing the investigation file; and

15 (B) making written findings in consideration of:

16 (i) the nature and seriousness of the alleged behavior; and

17 (ii) the person's continuing access to children.

18 (3) A person alleged to have abused or neglected a child and whose
19 name has been placed on the Registry in accordance with subdivision (2) of
20 this subsection shall be notified of the Registry entry, provided with the

1 Commissioner's findings, and advised of the right to seek an administrative
2 review in accordance with section 4916a of this title.

3 (4) If the name of a person has been placed on the Registry in
4 accordance with subdivision (2) of this subsection, it shall be removed from
5 the Registry if the substantiation is rejected after an administrative review.

6 (b) A Registry record means an entry in the Child Protection Registry that
7 consists of the name of an individual substantiated for child abuse or neglect,
8 the date of the finding, the nature of the finding, and at least one other personal
9 identifier, other than a name, listed in order to avoid the possibility of
10 misidentification.

11 (c) The Commissioner shall adopt rules to permit use of the Registry
12 records as authorized by this subchapter while preserving confidentiality of the
13 Registry and other Department records related to abuse and neglect.

14 (d) For all substantiated reports of child abuse or neglect made on or after
15 the date the final rules are adopted and for which the Commissioner has made
16 a determination that the individual substantiated for abuse or neglect poses a
17 risk of future harm to a child or other children, the Commissioner shall create a
18 Registry record ~~that reflects~~. The Registry record shall reflect a designated
19 child protection level related to the risk of future harm to children. This
20 system of child protection levels shall be based upon an evaluation of the risk

1 the person responsible for the abuse or neglect poses to the safety of children.

2 The risk evaluation shall include consideration of the following factors:

- 3 (1) the nature of the conduct and the extent of the child's injury, if any;
- 4 (2) the person's prior history of child abuse or neglect as either a victim
- 5 or perpetrator;
- 6 (3) the person's response to the investigation and willingness to engage
- 7 in recommended services; and
- 8 (4) the person's age and developmental maturity.

9 (e) The Commissioner shall develop rules for the implementation of a

10 system of Child Protection Registry levels for substantiated cases. The rules

11 shall address:

- 12 (1) the length of time a person's name appears on the Registry;
- 13 (2) when and how names are expunged from the Registry;
- 14 (3) whether the person is a juvenile or an adult;
- 15 (4) whether the person was charged with or convicted of a criminal
- 16 offense arising out of the incident of abuse or neglect; and
- 17 (5) whether a Family Division of the Superior Court has made any
- 18 findings against the person.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on passage.