CENTRAL REGISTRY

TABLE OF CONTENTS

I. INTRODUCTION **1**

II. INQUIRIES AND DISCLOSURE OF INFORMATION **1**

A. Confidentiality 2

B. Confidentiality Of Reporters' Identity 2

C. Confirming Identity Of Persons Inquiring About CA/N Information 2

D. Inquiries And Clearances By DHR Staff 3

E. Use And Disclosure Of CA/N Information 4

F. CA/N Information That May Be Released 7

G. Disclosing Information To Attorneys And CASAs 7

H. Expunging Names Of Persons Responsible For Abuse/Neglect 7

I. INTRODUCTION

The State Department of Human Resources (SDHR) is responsible for establishing and maintaining a statewide Central Registry for child abuse and neglect reports per Code of Alabama 1975 § 26-14-8 (b). This is accomplished through each County Department maintaining local records and transmitting CA/N records to a statewide database through FACTS data entry.

The Central Registry shall contain, at a minimum, the following information.

- all information in the written CA/N report (i.e., intake and initial assessment);
- the final disposition including services offered and accepted;
- the plan for rehabilitative treatment;
- any other information that might help protect children from abuse/neglect; and
- the names and identifying data, dates, and circumstances of any persons requesting or receiving information from the registry.

§ 26-14-8 (c) requires SDHR to establish and enforce reasonable rules and regulations governing the custody, use and preservation of CA/N reports and records. CA/N reports/records and related information or testimony shall be held confidential and their disclosure shall be limited to the prevention and/or discovery of child abuse and neglect. Confidentiality is essential to protecting the rights of children and their parents/custodians, and violation of this provision is a misdemeanor that is punishable accordingly. Situations where information may be disclosed are noted in sections II. D., E., F., and G.

The Central Registry provides a system for receiving and analyzing data related to:

- identifying repeated CA/N incidents with a particular child and/or person responsible for abuse/neglect;
- sharing pertinent information with statutorily authorized persons and agencies;
- screening prospective child care providers and employees/volunteers who will be working with children;
- collecting statistical information for program planning and federal reporting; and
- assessing County Departments' needs (e.g., staff allocations, training).

II. INQUIRIES AND DISCLOSURE OF INFORMATION

The following guidelines apply to Central Registry inquiries and the disclosure of CA/N information. Code of Alabama 1975, § 26-14-8(3) provides that the registry shall contain the names, identifying data, dates, and circumstances of any persons requesting or receiving information from the registry. Designated persons to whom CA/N information may be disclosed and the circumstances under which the information may be shared are described in the following

sections. All inquiries for and disclosure of CA/N information shall be documented in the CA/N record.

A. Confidentiality

Child welfare staff shall notify all persons who inquire about and to whom CA/N information is disclosed that:

- CA/N information is confidential;
- shall be used only for the purpose of preventing and/or discovering child abuse and neglect; and
- shall not be disclosed to other persons or agencies.

This information may be provided verbally or by noting the following statement on written information - "Confidential -- to be used only by you to prevent or discover child abuse/neglect."

B. Confidentiality Of Reporters' Identity

Reporters' identity shall not be disclosed when CA/N information is shared or released. Child welfare staff shall delete all identifying information on reporters from copies of CA/N information that is provided. Deletions are **not** to be made on any original CA/N materials.

CA/N information may be released to a District Attorney or law enforcement officer without deleting the reporter's identity; however, child welfare staff shall encourage these individuals to keep the reporter's identity confidential. When a court or District Attorney subpoenas CA/N information, child welfare staff or the attorney representing the Department may request that the reporter's identity be kept confidential.

C. Confirming Identity Of Persons Inquiring About CA/N Information

Child welfare staff shall confirm the identity of all persons inquiring about CA/N information before releasing any information from the Central Registry. Confirmation must be made in order to assure that CA/N information is provided only to statutorily designated persons as identified in section II., E.

Individuals who personally visit a DHR office and request CA/N information shall provide photo identification or credentials that confirm their identity. Child welfare staff may confirm the identity of persons making telephone or written requests by:

- taking the telephone number, checking it against the telephone directory, and returning the call; or
- checking names and addresses in city directories.

D. Inquiries And Clearances By DHR Staff

County Departments have statewide access to the Central Registry which allows authorized staff to access CA/N information (e.g. names of children, legal parents, and persons responsible for abuse/neglect; dispositions). Access to restricted CA/N information (i.e., DHR employees and close working associates, children in DHR permanent custody) is limited to designated staff as determined by the County Director.

County child welfare staff are required to clear the Central Registry for prior CA/N information when:

- current CA/N reports are received;
- individuals apply to be Medicaid Rehabilitative Service providers (refer to Max Pak Manual for procedures);
- individuals apply to be foster or adoptive parents for the Department;
- individuals apply for approval as a family day care home (including their household members and substitute caregivers).
- an ICPC home study is being conducted. A central registry clearance must be completed on all household members in ICPC cases, age fourteen (14) years and older (refer to *ICPC Policy, V. Children From Other States Placed In Alabama, C. Requirements And Guide For Home Studies And Placement Evaluations*).

Note: Reports or records with "not indicated" dispositions and "reason to suspect" dispositions (prior to June 1, 1999) for the alleged perpetrator responsible for abuse/neglect shall not be used or disclosed for purposes of employment or other background checks. In addition, these reports or records shall not be released to a court without a subpoena.

Authorized county staff can also conduct Central Registry clearances for JOBS applicants if the applicants are under consideration for a job placement involving the care of children. A DHR-FCS-1598, Child Abuse/Neglect Central Registry Clearance Request, must be correctly completed and witnessed at the designated places by a third party. If the CA/N record is in another county, the county name and case number must be listed on the 1598. CA/N information will be provided to JOBS staff on a copy of the 1598 and will only be those CA/Ns with an "indicated" disposition that involve the JOBS applicant. The original 1598 or scanned emailed copy is filed in a master file containing all Central Registry clearance requests. JOBS staff are permitted to review the CA/N record, but the information must be returned to Family Services' files following the review.

Note: If erroneous information is noted in the Central Registry (e.g., date of birth, case number, ethnicity), child welfare staff shall make the corrections on "open" cases. If the

case is “closed,” child welfare staff shall contact the FACTS Help Desk to get the necessary corrections made.

SDHR conducts Central Registry clearances for all employees, potential employees, and volunteers in organizations who work with children (e.g., day care centers, schools, volunteer agencies). County Departments must not conduct these clearances and release CA/N information to any entities outside DHR in these situations. A DHR-FCS-1598, Child Abuse/Neglect Central Registry Clearance Request, must be signed by the person to be cleared. If the County Department is contacted by persons needing forms and information on clearance requests for employment purposes, county staff shall provide the 1598 and instruct the persons to mail the completed form to the State Central Registry at the address listed at the top of the form or scan and email the form to CANClearance@dhr.alabama.gov .

E. Use And Disclosure Of CA/N Information

Code of Alabama 1975 § 26-14-8 (c) provides that reports and records of child abuse and neglect and related information or testimony shall be confidential, and shall not be used or disclosed for any purposes other than:

(1) “To permit their use to prevent or to discover abuse or neglect of children through the information contained therein, except reports or records in cases determined to be "not indicated" shall not be used or disclosed for purposes of employment or other background checks.”

(2) “For investigation of child abuse or neglect by the police or other law enforcement agency.” DHR staff are prohibited from providing police and other law enforcement with any information that aids in the investigation of any matter other than child abuse/neglect.

(3) “For use by a grand jury upon its determination that access to such reports and records is necessary in the conduct of its official business.” Information may be disclosed to a District Attorney, upon request, and for those cases agreed upon in the County Department’s working agreement with the District Attorney.

(4) “For use by a court where it finds that such information is necessary for the determination of an issue before the court.”

(5) “For use by any person engaged in bona fide research who is authorized to have access to such information by the Commissioner of the Department of Human Resources.” The person may have access to statistical information; however, identifying information must not be released unless such disclosure is absolutely essential to the research project and only to the extent expressly authorized by the Commissioner. **Note:** SDHR Family Services will make a recommendation to the Commissioner for written approval to release identifying data to researchers.

(6) “For use by any person authorized by a court to act as a representative for an abused or neglected child who is the subject of a report.”

(7) "For use by a physician who has before him a child whom he reasonably suspects may be abused or neglected."

(8) "For use by an attorney or guardian ad litem in representing or defending a child or its parents or guardians in a court proceeding related to abuse or neglect of said child." This includes any person authorized by a court, other than an attorney or Guardian Ad Litem, to act as a representative for an abused or neglected child who is the subject of a report. (Refer to section G. Disclosing Information To Attorneys And CASAs.)

(9) "For use by federal, state, or local governmental entities, social service agencies of another state, or any agent of such entities, having a need for the information in order to carry out their responsibilities under law to protect children from abuse and neglect." This includes an agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a CA/N report or record, or a parent, guardian, or other person who is responsible for the child's welfare when the information is needed to prevent further abuse/neglect.

Information may be released by telephone to child protective services agencies in other states once the identity of the caller is confirmed. (Refer to section C. for confirmation of identity.) Written CA/N information shall only be released to child protective services agencies upon their written request. Identifying information on the reporter must be deleted from the written materials prior to sending the information.

(10) "For use by child abuse citizen review or quality assurance or multidisciplinary review panels."

(11) "For use by child fatality review panels."

(12) "For public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality; the term "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition." Information that identifies any person, other than the victim, by name shall not be disclosed.

The following items are additional DHR requirements regarding the use and disclosure of reports and records of child abuse and neglect. CA/N reports and records shall not be disclosed to any individuals other than:

- To parents/custodians who have children in their care and/or custody **and** have someone living or visiting in their home who has been convicted of child battery, child sexual abuse, or who has an "indicated" child sexual abuse report in the State Central Registry. County staff shall contact their CPS consultant to discuss the situation before releasing any information to the parents/custodians.

- To an employer, licensing or certifying agency or group of the person currently being investigated where the employee provides care or supervision

to children or other vulnerable persons. Information shall be released following the final disposition as determined by due process procedures. (See information below regarding releasing information on **pending** initial assessments in emergency situations and releasing information on **previously completed** initial assessments.) Additionally, information may be released if the employee or potential employee signs the DHR-FCS-1598 authorizing the Central Registry clearance on previously completed reports. **Note**: Reports or records in cases disposed of as or "reason to suspect" (prior to June 1, 1999) or "not indicated" shall not be used or disclosed for purposes of employment or other background checks.

Provision for releasing information on **pending CA/N initial assessments** in emergency situations – DHR may release information to employers, prospective employers, or licensing/certifying agencies prior to a Departmental CAN investigative hearing or an administrative record review (whichever is applicable) **only** when it is determined that children are in imminent danger of abuse/neglect. A child welfare supervisor shall contact SDHR Legal to discuss the situation before releasing any information. If the information is released, the person responsible for abuse/neglect must be offered a CA/N hearing or an administrative record review as soon as possible following the release of information.

Provision for releasing information on **previously completed CA/N initial assessments** when child welfare staff determine that a child is in imminent danger and an "indicated" disposition needs to be disclosed for the child's immediate protection:

(1) If a disposition was previously entered into the Central Registry for persons responsible without notification being provided of their opportunity for a CA/N hearing or an administrative record review, a child welfare supervisor must contact SDHR Legal to discuss the situation before releasing any information. If SDHR Legal concurs that the information needs to be released **and** it has been less than two (2) years from the date the person was notified about the allegations, child welfare staff must provide written notification of due process rights (i.e., CA/N hearing or administrative record review) immediately following the release of information. If the person responds to the notice and requests a hearing or record review, child welfare staff must notify SDHR of the person's response and request that an "emergency" hearing or record review be conducted.

(2) If two (2) years have passed since the person was notified about the allegations, a child welfare supervisor must contact SDHR Legal to discuss the situation before releasing any information. If Legal concurs that there is sufficient information to believe the child is in imminent danger, the information may be released for the child's protection.

Refer to *CA/N Initial Assessment Policies And Procedures*, **II.**, E., 3. for additional information on notification requirements for the person alleged perpetrator responsible for the abuse/neglect. For additional information on due process rights, refer to the *Due Process*.

Provision for releasing "notification of disposition" to alleged perpetrators on closed cases - An alleged perpetrator is entitled to receive "notification of disposition" upon completion of a CA/N assessment (refer to CA/N Assessment, V. Documentation, B. Notification of CA/N Dispositions). If the alleged perpetrator contacts the Department anytime (e.g., six months, year, etc.) after the notification of disposition letter has been sent, the county department may provide a copy of the notification of disposition letter only if the alleged perpetrator presents in- person and provides verification of identity (e.g., drivers license, picture I.d.).

F. CA/N Information That May Be Released

County Departments may only release Central Registry information from "indicated" CA/N reports for employment or background check purposes. Information in CA/N reports, regardless of the disposition, may be released to another state's CPS program when that state is investigating an abuse/neglect report. CA/N information shall not be made available to anyone outside the Department unless (1) disclosure is permitted under section E., (2) specific CA/N information is subpoenaed, or (3) the release is expressly authorized by order of the court. This includes providing information about prior CA/Ns with "not indicated" dispositions when preparing and submitting reports to a court unless a court order specifically directs the Department to release not indicated reports or information of abuse/neglect or maltreatment (e.g., indicated/not indicated reports, prevention referrals). County Departments can defer providing information (unless served a subpoena or court order) per section E. above until the CA/N initial assessment process is completed. CA/N initial assessments may be made available to the appropriate court, district attorney, and law enforcement agency according to § 26-14-8 (c), paragraphs 1 through 4, 6 and 8. County Departments shall immediately release information to law enforcement, district attorneys, and physicians in situations where disclosure will allow for the protection of children suspected of being abused/neglected or for the protection of other children in the home.

G. Disclosing Information To Attorneys And Court Appointed Special Advocates

Child welfare staff may verbally disclose general information (e.g., allegations, dispositions, general basis for the disposition, other general information already revealed to a child's parents/custodians) to Guardians Ad Litem, attorneys, or Court Appointed Special Advocates (CASAs) representing the child or attorneys representing the child's parents/custodians in a child abuse/neglect court proceeding. CA/N information must not be copied and released to attorneys or CASAs without a court order expressly authorizing such release or a subpoena duces tecum for the CA/N record.

When County Departments receive a subpoena duces tecum for production of DHR records, child welfare staff shall contact an attorney authorized to represent the Department and request that a motion for protective order be filed requesting the court conduct an in camera inspection of the records to determine if they should be released. If the court orders an in camera inspection, the original record (or a copy thereof if permitted by the court) shall be submitted as ordered and at the time specified. The DHR record shall not be released directly to the attorney or CASA.

H. Expunging Names of Persons Allegedly Responsible For Abuse/Neglect

Code of Alabama, 1975 § 26-14-8 (e) provides that the names of persons responsible for abuse/neglect may be expunged from the Central Registry when all the following criteria have been met.

- the CA/N disposition is "Not Indicated;"
- five (5) years have elapsed from the disposition date; and
- DHR has received no further CA/N reports identifying the person as being responsible for abuse/neglect.

The alleged perpetrator responsible for abuse/neglect must submit a written request for the expungement. If the request is received in the County Department or the person needs additional information, child welfare staff shall advise the person to contact or submit the request to SDHR, Office of Child Protective Services.

SDHR's Office of Child Protective Services will provide written notification to persons responsible for abuse/neglect when their name is expunged from the Central Registry. County Departments will also receive a copy of the notification at which time child welfare staff shall take the following action.

1. Delete only the name of the person responsible for abuse/neglect from:
   - the CA/N record and other agency records (e.g., card files, family narrative) that pertain to the CA/N incident.
   - the letter from the Central Registry notifying the County Department of the expungement;
   - the copy of the letter (received by the County DHR) that was sent to the alleged perpetrator responsible for abuse/neglect by the Central Registry; and
2. File the notification letters in the CA/N record.

Note: All other parts of the CAN record (e.g., narrative, forms) remain as they are except for deleting the name of the alleged perpetrator responsible for abuse/neglect.