

HB 1849 -- CHILD ABUSE AND NEGLECT REGISTRY

SPONSOR: Conway (104)

This bill requires the Children's Division within the Department of Social Services by July 1, 2015, to classify all identifying information, including telephone reports, relating to reports of abuse or neglect received by the division in one of the following tiers based on the level of harm to the child:

- (1) Tier one: substantiated sexual abuse or serious physical or emotional abuse or serious neglect;
- (2) Tier two: multiple substantiated instances of child abuse or neglect that are not classified as serious; or
- (3) Tier three: a single substantiated instance of child abuse or neglect that is not classified as serious.

The bill specifies the criteria for each tier and authorizes the department to promulgate rules to establish the standards for each classification. All tier one reports must be placed on the registry for life and are not subject to removal from the registry. All tier two reports must be placed on the registry for 10 years and are eligible for removal from the registry at the expiration of the 10 year period unless the individual is found to have committed another act of child abuse or neglect in the 10 year period, in which case the 10 year period on the registry begins from the date of the commission of the subsequent act of child abuse or neglect.

Tier three reports must be placed on the registry for five years and are eligible for removal from the registry at the expiration of the five-year period unless the individual is found to have committed another act of child abuse or neglect in the five-year period, in which case the person must be included in the tier two classification.

Any individual placed on the registry may petition the department's Child Abuse and Neglect Review Board for expungement of all identifying information from the registry based on the individual's classification. The bill specifies the information that must be in any petition for expungement. If the petition satisfies the requirements, and the board determines the petitioner poses no significant risk to children or other vulnerable populations, the board must grant the petition. Any individual aggrieved by the board's decision may seek de novo review of the decision or refile the petition for expungement with the board within two years after the final denial of the petition.

The department must maintain a sealed record of the underlying report and investigation of child abuse or neglect for any record expunged under these provisions.