

# STATE CENTRAL REGISTRY: COMPARISON OF SELECTED PROCESSES TO OTHER STATES

DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES

PERFORMANCE AUDIT SERVICES

**Informational Report**  
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October 26, 2022

The Honorable Patrick Page Cortez,  
President of the Senate  
The Honorable Clay Schexnayder,  
Speaker of the House of Representatives

Dear Senator Cortez and Representative Schexnayder:

This informational report contains a comparison of the Department of Children and Family Services' (DCFS) selected processes for the State Central Registry to those of 17 other states. This report is intended to provide more timely information than standards-based performance audits related to an area of interest to the legislature or based on a legislative request. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to DCFS for its assistance during this project.

Respectfully submitted,



Michael J. "Mike" Waguespack, CPA  
Legislative Auditor

MJW/aa

DCFS SCR COMPARISON





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# Louisiana Legislative Auditor

Michael J. "Mike" Waguespack, CPA



## State Central Registry: Comparison of Selected Processes to Other States

### Department of Children and Family Services

October 2022

Audit Control #40210030

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## Introduction

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The Louisiana Children's Code<sup>1</sup> requires the Department of Children and Family Services (DCFS) to maintain a State Central Registry (SCR)<sup>2</sup> that tracks perpetrators of certain valid findings of child abuse and/or neglect (abuse/neglect) based on DCFS Child Protective Services (CPS) investigations. Pursuant to a legislative request, we compiled information on processes that DCFS and other states use to determine whether findings of abuse/neglect are valid,<sup>3</sup> how individuals are notified that they will be added to their registries<sup>4</sup> due to valid findings, and how individuals can appeal agency findings.

CPS investigations are separate from law enforcement investigations and criminal legal proceedings, so states' registries include information on valid findings of abuse/neglect that may not rise to the level of a criminal offense or appear on criminal background checks. Registry information is confidential, and the purposes for which it can be released vary from state to state. However, federal legislation in 2014<sup>5</sup> and 2018<sup>6</sup> required all states to begin performing registry "clearances" (i.e., checks used to determine if individuals are on a registry) on existing and prospective staff of child care providers and institutions, potentially impacting the employability of individuals on state registries. The Louisiana Children's Code was amended in 2017 and 2018<sup>7</sup> to authorize these clearances and other related changes to DCFS processes, such as the implementation of a new appeal process through the Division of Administrative Law (DAL).<sup>8</sup>

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<sup>1</sup> Louisiana Children's Code (Ch.C.) Article 616

<sup>2</sup> The SCR is not a list of names, but a search function in the DCFS database of all abuse/neglect findings that checks if an individual meets the criteria to be considered "on the SCR." If a search identifies valid findings for an individual, staff must manually review the case file to confirm the findings require SCR placement and appeal rights were exhausted. As a result, DCFS cannot calculate the number of individuals on the SCR using the data alone.

<sup>3</sup> DCFS refers to confirmed findings of abuse/neglect as "valid," but other states use a range of terms such as substantiated, founded, confirmed, etc.

<sup>4</sup> Throughout the report, "SCR" refers to Louisiana's State Central Registry, whereas "registry" or "registries" refers to state registries of child abuse/neglect in general.

<sup>5</sup> Public Law (PL) 113-186, which enacted 42 United States Code Annotated (U.S.C.A.) 9858f

<sup>6</sup> PL 115-123, which amended 42 U.S.C.A. 671

<sup>7</sup> Act 348 of the Louisiana 2017 Regular Legislative Session; Act 320 of the Louisiana 2018 Regular Legislative Session

<sup>8</sup> DAL is housed within the Department of State Civil Service.

State law<sup>9</sup> authorizes DCFS to perform SCR clearances for the purposes listed in the text box at right. Some states require clearances for additional professions, such as school employees or volunteers, healthcare providers, or anyone working with children or other vulnerable populations such as the elderly. DCFS performed a total of 47,294 SCR clearances during calendar years 2019 through 2021, 484 (1.0%) of which returned results indicating the individual was on the SCR.<sup>10</sup>

Although federal law<sup>11</sup> requires states to track and release administrative abuse/neglect information in certain circumstances, there are no federal requirements for states to have a registry or for what a registry should include, how to provide individuals with written notification of their valid findings and appeal rights, or how appeal processes should function.<sup>12</sup> In addition, no nationally-recognized best practices have been established for administering these registries. As a result, the types of findings resulting in addition to a registry, the length of time an individual's name remains on a registry, and notification and appeal processes differ in every state that has a registry.

Registry clearances are important because they help prevent potentially harmful situations in which perpetrators of abuse/neglect could have contact with children. However, according to advocates of registry reform,<sup>13</sup> changes are needed to ensure that states' processes for adding individuals to their registries include

DCFS is authorized to run **SCR clearances** on:

- In-state child care providers, volunteers, directors, contractors, etc.
- In-state DCFS-licensed residential facility, maternity home, and juvenile detention center employees
- Court Appointed Special Advocate (CASA) volunteers, employees, and board members
- Out-of-state child care providers, volunteers, directors, contractors, etc.
- DCFS Child Welfare employees and volunteers, mentors, and tutors
- Employees of private child placing agencies licensed by DCFS

**Source:** Ch.C. Article 616, R.S. 46:56, and 67 Louisiana Administrative Code 1103

<sup>9</sup> Ch.C. Article 616 and Louisiana Revised Statute (R.S.) 46:56

<sup>10</sup> This does not include clearances of the DCFS statewide repository, which includes all reports of abuse/neglect and can be released for purposes including law enforcement and out-of-state child welfare investigations, adoptive and foster parent screening, and custody proceedings. Repository clearances provide some contextual information about the abuse/neglect and may include valid or inconclusive findings not on the SCR, depending on the requestor.

<sup>11</sup> 42 U.S.C.A. 5106a

<sup>12</sup> 42 U.S.C.A. 5106a requires states to provide individuals who disagree with an official finding of abuse/neglect a process to appeal the finding as a condition of grant funding. The U.S. Administration for Children and Families' [Child Welfare Policy Manual](#) requires at a minimum that these processes afford individuals due process, provide them with written notification of their appeal rights and how to appeal, not be conducted by an office or individual involved in any other stage of the case, and have the authority to overturn a valid finding. However, the manual indicates that states have flexibility in determining the specific type of appeal process that best meets their needs.

<sup>13</sup> "[The Blacklist: How Central Registry Reform Can Protect Kids and Promote Prosperity](#)," Texas Public Policy Foundation, May 2020; "[Central Registry Reform Model Legislation](#)," American Legislative Exchange Council, August 2020; "[Inadequate Protection: Examining the Due Process Rights of Individuals in Child Abuse and Neglect Registries](#)," Washington and Lee Law Review, April 2020; "[Reform the Child Abuse Registry System in Pennsylvania](#)," Community Legal Services of Philadelphia, November 2020.

adequate due process protections. For example, advocates have criticized processes in some states that:

- require a low standard of evidence to support agency findings
- retain individuals on a registry for the same amount of time regardless of the severity or nature of the abuse/neglect
- do not use certified mail to ensure individuals receive notification of appeal rights
- add individuals to a registry before their appeal rights are exhausted
- do not provide an impartial decision-maker in the appeal process
- do not reverse valid findings when a separate court proceeding related to the same case rules that abuse/neglect did not occur

Since we were unable to identify nationally-recognized best practices for administering these registries, we surveyed registry oversight agencies in other states<sup>14</sup> and reviewed the 17 responding states' laws, regulations, and/or policies as needed to determine how they have addressed risks that individuals' employability, parental rights, etc. could be impacted by addition to a registry without adequate due process protections or consideration of whether the individual actually poses a risk to children. Specifically, we compared DCFS' processes for the SCR to those of 17 other states in the following areas:<sup>15</sup>

- (1) Initial determination of valid findings
- (2) Addition of individuals with valid findings to registry
- (3) Delivery method for notification letters
- (4) Information provided in notification letters
- (5) Deadlines for filing appeals of valid findings
- (6) Due process protections in appeal processes
- (7) Additional processes for removal from registry after appeal rights are exhausted

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<sup>14</sup> We sent our survey to 37 states and received responses from 17 states: Alabama, Alaska, Arkansas, Colorado, Connecticut, Idaho, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Nevada, North Carolina, Oregon, South Dakota, Texas, and Washington. We began by surveying states in the Southeast region with a registry, then used auditor's judgement to survey additional states with a registry as time allowed.

<sup>15</sup> In this report, we describe certain aspects of states' processes at a high level to identify different approaches to administering registries; however, some states' processes may include additional steps, restrictions, or exceptions that are not addressed.

The objective of this report was:

**To compare selected processes related to Louisiana’s State Central Registry to those in other states.**

Our results are summarized on the next page and discussed in detail throughout the remainder of the report. Appendix A contains a summary of which states have the specific processes that are mentioned throughout the report.

Informational reports are intended to provide more timely information than standards-based performance audits. While these informational reports do not follow *Governmental Auditing Standards*, we conduct quality assurance activities to ensure the information presented is accurate. We met with DCFS and incorporated its feedback throughout this informational report.



## **Objective: To compare selected processes related to Louisiana's State Central Registry to those in other states.**

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Overall, we found the following:

- **While 14 (82.4%) of 17 other surveyed states require a preponderance of evidence to determine that an abuse/neglect allegation is valid, Louisiana and three (17.6%) surveyed states require a lower level of evidence to support agency findings.**
- **To account for the varying nature and severity of valid abuse/neglect findings, Louisiana and seven (41.2%) other surveyed states limit the types of findings that result in addition to their registries and/or reduce the time individuals with less severe findings stay on their registries.**
- **To help ensure that individuals receive notification letters about being added to their state's registry and their appeal rights, 10 (58.8%) of the 17 surveyed states use certified mail, often in combination with other verifiable delivery methods or contingency procedures when a letter cannot be delivered.**
- **Some states' notification letters help ensure that individuals understand appeal processes and the impact of being added to their registries by providing a greater level of detail, explaining legal citations, and/or including additional resources.**
- **DCFS' deadline of 20 business days for filing appeals is comparable to other states, but some states are more flexible in enforcing these deadlines.**
- **Louisiana and all but one surveyed state have administrative appeal processes, but Louisiana and some other states' processes include one or more features that strengthen individuals' due process protections, such as delaying registry placement until appeal rights are exhausted, having hearings overseen by external parties, and reversing valid findings based on court rulings in related cases.**
- **Louisiana and some surveyed states have additional processes available to remove individuals from their registries and/or review individuals' fitness to work in otherwise prohibited professions after appeal rights are exhausted to limit the impact on individuals' employability if they no longer pose a risk to children.**

This information is discussed in more detail on the pages that follow.

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**While 14 (82.4%) of 17 other surveyed states require a preponderance of evidence to determine that an abuse/neglect allegation is valid, Louisiana and three (17.6%) surveyed states require a lower level of evidence to support agency findings.**

In Louisiana, CPS staff in the 48 DCFS parish offices<sup>16</sup> are responsible for investigating reports of abuse/neglect and determining whether the allegations are valid.<sup>17</sup> Once an investigation is complete, DCFS policy requires the investigator to work with their supervisor to determine if the allegation is valid based on whether the evidence “would cause a reasonable person to believe” that abuse/neglect exists and was perpetrated by the child’s caretaker.<sup>18</sup> The investigator and supervisor must also ensure that policy criteria for the specific allegation type are met, such as the type and source of evidence required. DCFS has a state-level Protective Services Review Team (PSRT) that reviews investigation files supporting valid findings using a standardized review instrument if an appeal is requested or a clearance returns a valid finding for which an individual’s appeal rights are not yet exhausted;<sup>19</sup> however, PSRT does not review all valid findings before individuals are added to the SCR.

Like Louisiana, all 17 surveyed states require an investigator to work with at least one local supervisor before determining that a finding is valid, and do not require state-level review at this stage. However, 14<sup>20</sup> (82.4%) of 17 surveyed states require a “preponderance of evidence” (i.e. a greater than 50% likelihood<sup>21</sup>) to determine that abuse/neglect allegations are valid. By contrast, only Louisiana and three (17.6%) surveyed states require a lower level of evidence (“reasonable cause to believe”) to support agency findings. A 2017 study<sup>22</sup> of the impact of evidence standards on abuse/neglect investigations’ outcomes explains that the preponderance standard requires factfinders to compare evidence that supports an

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<sup>16</sup> Some offices cover more than one parish.

<sup>17</sup> Reports of abuse/neglect are assigned to CPS investigators only if the report is accepted through CPS Centralized Intake, which must first confirm that the report meets certain criteria.

<sup>18</sup> DCFS is authorized to investigate alleged abuse/neglect when the alleged perpetrator is a parent, a caretaker as defined in Ch.C. Article 603, a person who maintains an interpersonal dating or engagement relationship with the parent/caretaker, or a person living in the same residence with the parent/caretaker as a spouse, whether married or not.

<sup>19</sup> Appeal rights are exhausted if an individual does not request an appeal within 20 business days of the notification letter, withdraws their request for an appeal, or if an appeal hearing results in the DCFS valid finding being upheld.

<sup>20</sup> See Appendix A for a summary of which states have the specific processes mentioned throughout the report.

<sup>21</sup> Although this is a common legal term, its exact definition may vary from state to state.

<sup>22</sup> “[The Standard of Proof in the Substantiation of Child Abuse and Neglect](#),” Journal of Empirical Legal Studies, June 2017.

allegation against evidence that refutes it, whereas lower standards do not require balancing, permitting a factfinder to consider only evidence in favor of an allegation. However, according to DCFS, it does take contrary evidence into account when determining if a finding is valid.

The 2017 study notes that while requiring a higher level of evidence to support agency findings reduces the risk of finding abuse/neglect when none occurred, it increases the risk of failing to intervene when abuse/neglect did occur. However, the study analyzed data from states that changed to a higher standard from a lower standard of evidence and found that while this change reduced the probability that reports of abuse/neglect would be found valid by 14%, it also resulted in an increase in the delivery of services to families, a possible decrease in foster care placements, and was not associated with an increase in total child fatalities. According to DCFS, requiring a lower level of evidence than a criminal conviction to support valid findings enables the SCR to provide information not recorded by the criminal justice system that helps keep children safe. However, the preponderance standard would still be lower than the level of proof required for criminal conviction.<sup>23</sup> A 2012 U.S. Department of Health report on the feasibility of a national abuse/neglect registry<sup>24</sup> and advocates of registry reform<sup>25</sup> recommend a preponderance of evidence as the minimum requirement for supporting valid abuse/neglect findings.

In appeal hearings, DCFS is required to show by a preponderance of evidence that the “reasonable cause” standard and other policy criteria were met for each allegation determined valid. However, as shown in Exhibit 1, although there were 14,604 investigations with valid findings requiring addition to the SCR in calendar years 2019 through 2021, only 1,501 (10.3%) appeals were processed in this period. This shows that the majority of investigations with valid findings did not have an appeal hearing for an administrative law judge to review DCFS’ evidence and determinations based on the preponderance standard. Exhibit 1 summarizes the number of CPS investigations that resulted in valid findings and the number of closed appeal decisions in Louisiana during calendar years 2019 through 2021.

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<sup>23</sup> Criminal convictions require evidence proving that the crime occurred “beyond a reasonable doubt.”

<sup>24</sup> [“Report to the Congress on the Feasibility of Creating and Maintaining a National Registry of Child Maltreatment Perpetrators,”](#) U.S. Department of Health and Human Services, September 2012.

<sup>25</sup> [“The Blacklist: How Central Registry Reform Can Protect Kids and Promote Prosperity,”](#) Texas Public Policy Foundation, May 2020; [“Central Registry Reform Model Legislation,”](#) American Legislative Exchange Council, August 2020.

<b>Exhibit 1</b> <b>Number of DCFS Child Abuse/Neglect Investigations with Valid Findings* and Appeals Closed</b> <b>Calendar Years 2019 through 2021</b>						
Year	Number of Investigations	Number with Valid Findings*	Percent with Valid Findings	Number of Appeals	Number Overturned	Percent Overturned
2019	19,983	5,288	26.5%	655	209	31.9%
2020	15,200	4,526	29.8%	429	97	22.6%
2021	16,120	4,790	29.7%	417	120	28.8%
<b>Total</b>	<b>51,303</b>	<b>14,604</b>	<b>28.5%</b>	<b>1,501</b>	<b>426</b>	<b>28.4%</b>

\*Only includes valid findings assigned to tiers based on their severity that require addition to the SCR (tiers 1 through 3). During this timeframe, there were a total of 15,547 valid findings assigned to all tiers.  
**Source:** Prepared by legislative auditor’s staff using data provided by DCFS.

**To account for the varying nature and severity of valid abuse/neglect findings, Louisiana and seven (41.2%) other surveyed states limit the types of findings that result in addition to their registries and/or reduce the time that individuals with less severe findings stay on their registries.**

There is no federal guidance on the types of abuse/neglect that should be added to a registry, so the types of valid findings on registries vary from state to state. Ten (58.8%) of the 17 surveyed states include all individuals with any valid finding on their registries for the same period of time, including six states that include all individuals permanently. However, Louisiana and the remaining seven (41.2%) surveyed states account for the severity and nature of findings in various ways that help ensure only individuals who pose an ongoing risk to children are on their registries. Examples of considerations taken include:

- Assessment of risk to children:** After the initial determination that a finding is valid, Arkansas and Connecticut require an additional assessment to determine if the individual is a risk to children. Rather than adding individuals to their registries solely based on a determination that a certain type of abuse/neglect occurred, these assessments consider individuals’

“The Department is aware that these findings may have a variety of negative impacts on people and we are constantly addressing areas of concern to make the system work better. The general understanding for Registry placement is not whether the abuse or neglect was severe, although severity is a criteria for placement, but rather, whether or not the conduct of the person responsible is likely to be repeated if that person responsible is in a caretaking role for someone else’s child.”

**Source:** Connecticut Survey Response

circumstances, such as their history and/or subsequent reports of abuse/neglect and the severity of the impact on the child. These states only add an individual to their registries if the assessment determines that the individual poses a risk to children in addition to having a valid finding (*see text box at right on the previous page*).

- **Differential responses for low-risk findings:** At least four surveyed states have a differential response approach that allows agencies more flexibility in handling certain low-risk reports of abuse/neglect to better meet the needs of families.<sup>26</sup> This approach allows agencies to respond differently to accepted reports of abuse/neglect allegations based on factors such as the presence of imminent danger, type and severity of the maltreatment, number and sources of previous reports, and willingness of the family to participate in services. In these four states, agencies work collaboratively with families to provide services without the threat of a formal finding of abuse/neglect, which studies have found makes families more receptive to caseworker input on how to work through challenges and results in better outcomes for families.
- **Distinction between poverty and neglect:** Louisiana and four surveyed states have laws, regulations, and/or policies specifying that circumstances caused by poverty alone should not result in a finding of neglect. This helps to ensure that individuals are not placed on child abuse registries solely due to their financial situation. In addition, these individuals will not face further economic consequences resulting from lost employment opportunities due to registry placement.
- **Findings excluded from registry:** Louisiana and four surveyed states limit the types of findings that can be added to the registry based on their nature and/or severity. DCFS implemented a Tiered Validity System<sup>27</sup> in 2018 that only requires individuals to be added to the SCR if their valid findings are in the three most severe tiers of a five-tier system. In 2018, Louisiana law<sup>28</sup> also created a distinction between the “statewide repository,” which includes all abuse/neglect reports and investigations, and the SCR, a subset of valid abuse/neglect findings. This allows DCFS to perform SCR clearances requested by employers on a subset of only the most severe valid

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<sup>26</sup> This only includes states that provided information about differential response in their survey responses. There are more states with differential response processes that may or may not be able to result in a finding of abuse/neglect and placement on the registry, as shown in the following articles: [“Differential Response in Child Protective Services,”](#) National Conference of State Legislatures, December 2019; [“Differential Response: A Primer for Child Welfare Professionals,”](#) U.S. Children’s Bureau, October 2020.

<sup>27</sup> DCFS provides statewide training and policy guidance on evaluating all types of allegations and assigning tiers to valid findings. After determining a finding is valid, the investigator assigns a tier based on policy. Tier assignments for finding types with varying levels of severity must be reviewed by the investigator’s supervisor.

<sup>28</sup> Ch.C. Article 616

findings, whereas repository clearances can be performed for other purposes allowed by law (e.g., adoptive and foster parent screenings, law enforcement or out-of-state child welfare investigations). Michigan currently has a similar system to categorize findings, but recently passed legislation that becomes effective in November 2022 that will further limit valid findings resulting in registry placement to only the most severe cases<sup>29</sup> (see *text box at right*). In addition, Arkansas and Connecticut list specific types of findings that cannot result in addition to their registries, and Iowa indicates three types of findings that can be found valid but not placed on the registry if they are minor, isolated, and unlikely to recur.

“The overwhelming majority of cases involve child neglect and involve people struggling with economic security, underlying trauma or mental health issues, substance use, and domestic violence. Many families have housing concerns, lack of appropriate childcare, and inadequate social support systems. The amendment to the Child Protection Law now limits people identified on central registry to persons confirmed by CPS as a perpetrator of egregious acts where they will be a threat to children currently and in the future.”

**Source:** Michigan Survey Response

- **Varying time on registry:** Louisiana and six surveyed states require individuals to stay on the registry for different time periods based on valid findings’ nature or severity.<sup>30</sup> For example, in Arkansas, individuals with the least severe types of valid findings are automatically removed from the registry after one year as long as the individual has not had a subsequent valid finding. Louisiana’s Tiered Validity System is also used to determine how long an individual should remain on the SCR and how long investigative files should be maintained in the state repository. Exhibit 2 shows a description of Louisiana’s tiers and the number of closed DCFS investigations assigned to each tier during calendar years 2019 through 2021.

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<sup>29</sup> Once Michigan reforms become effective in November 2022, individuals will only be added to the registry for conviction of certain crimes or for valid findings of methamphetamine production, confirmed serious abuse or neglect, confirmed sexual abuse, or confirmed sexual exploitation.

<sup>30</sup> Arkansas (time on registry ranges from one year to permanently), Idaho (five years to permanently), Iowa (five to 10 years), Kentucky (seven years to permanently), Texas (five years after case closure or when youngest principal turns age 18, to 99 years), and Michigan (currently 10 years to permanently, but will be permanently for all once reform limits the registry to only the most egregious cases in November 2022).

<b>Exhibit 2</b> <b>Number of DCFS Investigations Closed with Valid Child Abuse/Neglect Findings, by Tier*</b> <b>Calendar Years 2019 through 2021</b>				
Tier	Example of Allegations	Time on SCR	Investigations	
			Number	Percent
Tier 1 (Most Severe)	<b>Death</b> due to abuse/neglect, sexual abuse, specific types of life-threatening or <b>severe</b> injury or abuse/neglect (e.g., brain damage, bone fracture, wounds, poisoning, suffocation, internal injuries, torture, trafficking, starvation)	Permanently on SCR	1,449	9.3%
Tier 2	Passive physical/sexual abuse, medical neglect, emotional maltreatment, exploitation (not sexual), <b>severe</b> lack of supervision, <b>severe</b> injuries**	18 years on SCR	2,626	16.9%
Tier 3	Alcohol/drug affected newborn, coerced abortion, inadequate food for children under age six, alcohol/drug abuse of child, <b>moderate</b> lack of supervision, <b>moderate</b> injuries**	Seven years on SCR	10,529	67.7%
Tier 4	Inadequate food for children over age six, inadequate shelter or clothing, absent/incapacitated parent or caretaker, <b>mild</b> lack of supervision	Not on SCR***	942	6.1%
Tier 5	Cases DCFS previously determined not to pose a risk to children, state office administrative decisions	Not on SCR***	1	0.0%
<b>Total</b>			<b>15,547</b>	<b>100.0%</b>
<p>*A DCFS investigation can have multiple valid abuse/neglect findings from different tiers; however, this table shows the tier assigned to each investigation overall based on its most severe valid finding.</p> <p>**These exclude injuries listed in Tier 1. The same types of injuries are listed for Tiers 2 and 3, including bruises, burns, human bites, dislocations, sprains, and head/face injuries. When an allegation's severity must be determined in order to assign a tier, supervisory review of the investigator's determination is required.</p> <p>***These valid findings remain on the repository for 18 years. Although they do not appear in SCR checks, they would impact an individual's ability to be an adoptive or foster parent, law enforcement or out-of-state child welfare investigations, and custody proceedings.</p> <p><b>Source:</b> Prepared by legislative auditor's staff using information from DCFS policy and data provided by DCFS.</p>				



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**To help ensure that individuals receive notification letters about being added to their state’s registry and their appeal rights, 10 (58.8%) of the 17 surveyed states use certified mail, often in combination with other verifiable delivery methods or contingency procedures when a letter cannot be delivered.**

DCFS sends a notification letter to an individual with a valid finding depending on when the valid finding was confirmed (*see text box at right*) to inform them of their impending addition to the SCR, how long their name will be listed, and their appeal rights. All 17 surveyed states send similar notification letters as part of their processes for adding a person to their registries. If an individual does not receive the notification letter, they may never know that they are on a registry unless a clearance is run related to their employment, volunteer work, adoption, etc. after the timeframe to file an appeal has passed, because states’ registry information is not available to the public.

**For individuals with a valid finding confirmed before August 2018:**

DCFS sends a notification letter the first time it receives a request for an SCR clearance that would result in disclosure of that finding, or when the individual has a subsequent valid finding after August 2018.

**For individuals with a new valid finding confirmed after August 2018:**

DCFS sends a notification letter as soon as an investigation is closed with a valid finding, including notification of prior valid findings for which appeal rights are not yet exhausted.

To help ensure that individuals receive notification letters, 10 (58.8%) of 17 surveyed states use certified mail, which requires the recipient to sign for delivery and provides the sender with verification that the letter was delivered or that a delivery attempt was made. DCFS sends notification letters by regular mail, which does not provide verification of delivery, so DCFS only knows if letters were not received when they are returned to sender or the individual informs them that it was sent to the wrong address. According to DCFS, sending notices by certified mail could result in individuals avoiding their delivery, which would mean that their appeal rights would never be exhausted and they could never be added to the SCR. However, the states that use certified mail have addressed this concern in several different ways. For example:

- Five states allow for hand delivery of the letter as an alternative to certified mail. Of these, Kentucky and Oregon require signatures confirming receipt when letters are hand-delivered. By contrast, North Carolina only uses certified mail if hand delivery is unsuccessful.
- Arkansas uses a process server if delivery by certified mail is unsuccessful.
- All 10 states that use certified mail still add an individual to the registry even if they never receive confirmation the certified letter was



delivered. For example, Michigan and Oregon add individuals to their registries before letters are sent. By contrast, Arkansas requires an administrative hearing and North Carolina requires a court hearing before adding individuals to their registries who were never confirmed to have received the notification letter.

There is also a risk that individuals may not receive a notification letter if it is sent to the wrong address. DCFS staff and several surveyed states noted that ensuring individuals receive notification letters is particularly challenging, especially when individuals do not have stable housing or have a mailing address that is different from their physical address. Although most surveyed states, like Louisiana, use the last known address based on investigation files or required forms to send the letter, some states have taken additional measures to ensure that the correct address is used. For example, Arkansas uses Lexis/Nexis to search for valid addresses, and Kentucky and Iowa may review family support or benefit data to determine the most recent address when appropriate. Idaho and Maryland noted that if a notification letter is returned as undeliverable, in appropriate circumstances, they will reach out to the individual or use other means to identify the correct address and resend the letter. In addition, Louisiana and 14 surveyed states will allow individuals to file an appeal after the deadline has passed if they can show that they never received the notification letter.

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**Some states' notification letters help ensure that individuals understand appeal processes and the impact of being added to their registries by providing a greater level of detail, explaining legal citations, and/or including additional resources.**

Federal guidance<sup>31</sup> requires states to provide individuals with written notification of their appeal rights and how to request an appeal when notifying them of a valid finding. DCFS updated its policy in 2018 as part of the new appeal process to include five versions of the notification letter that vary based on the type of investigation and whether the finding was identified due to a clearance request. Until recently, Louisiana Children's Code did not establish any requirements for sending notification letters or what they should include. However, Act 535 of the 2022 Regular Legislative Session amended the Children's Code to require DCFS to

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<sup>31</sup> U.S. Administration for Children and Families' [Child Welfare Policy Manual](#)

send a notification letter “written in clear, concise, and understandable language” containing specific elements, effective August 1, 2022 (see text box at right).

Although the current DCFS notification letters already include some of the elements required by Act 535, the information included varies in each version of the letter, and the language used may not be understandable to all recipients. For example, the current letters refer to legal citations but do not explain what they mean, such as describing reasons that SCR information can be released.<sup>32</sup> As a result, if individuals do not have the knowledge or resources needed to look up these citations, they may not fully understand how placement on the SCR could impact their employability, volunteer opportunities, etc. when deciding whether to file an appeal. In addition, the letters explain the subject of appeal hearings as “whether or not DCFS policy criteria for each valid allegation has been met,” but do not provide instructions for looking up allegation definitions or the level/type of evidence needed to support their validity. According to DCFS, it is currently working on revising its notification letters to meet the new requirements in collaboration with their Diversity, Equity, and Inclusion staff.

**Information Required to be Included in DCFS Notification Letters as of August 2022**

- Explanation of validity determination
- Explanation of consequences of determination
- Right to administrative appeal
- Specific procedure for requesting appeal, including deadline
- Contact information of department representative who can provide more information

**Source:** Act 535 of the 2022 Regular Legislative Session

We reviewed notification letter templates submitted by 14 of the surveyed states and identified the following ways that other states’ letters clearly presented information required by Act 535:

- Texas includes an attachment that provides details on the investigation and validity determination. Five additional states’ letters include an explanation of why an allegation was found valid in their letters. Like Louisiana’s current letters,<sup>33</sup> the remaining eight states’ letters only include the type of allegation.
- Rather than referring to a legal citation, Maryland lists all parties authorized to request registry information for specific purposes so that recipients are aware of all potential outcomes of registry placement without having to refer to other sources. In addition, although the letters do not list all purposes for which registry information can be released, eight states’ letters specifically state that registry clearances could impact an individual’s employment, licensing, and/or volunteer

<sup>32</sup> One version of the letter does not address release of SCR information at all. Three of the remaining four letters indicate that placement on the SCR could impact specific types of employability or licensure, but all four use only legal citations in place of explaining all reasons that DCFS could release SCR information.

<sup>33</sup> The version of Louisiana’s notification letter sent to foster parents includes an investigation summary as an attachment, but the letters sent for other purposes do not.

opportunities, including five that also specify the types of professions affected in that state.

- Colorado states that appeals must be requested within “ninety (90) calendar days from the date of this Notice of Founded Finding,” and then auto-populates the exact date in the next sentence so that the deadline for filing an appeal is very clear. In addition, six other states’ letters specify whether the timeframe is calendar or business days and give a clear explanation of when the timeframe starts (e.g., when letter was received, date on letter).
- Washington organizes information in an easy to understand question-answer format.
- Iowa includes boxes that are checked to show the reason for sending the letter to ensure that individuals with valid findings all receive the same letter with consistent information regardless of how the finding was identified.

Other states include additional information in their notification letters that is not required in Louisiana by Act 535. For example, five states’ letters explain how individuals can request access to the agency’s investigative records related to their finding. Arkansas provides the contact information of charitable legal organizations for individuals who cannot afford an attorney. In addition, Maryland and Washington provide the citations of all relevant laws and regulations for reference. Washington also includes links to access online legal documents, as well as the full text of laws and regulations that define abuse/neglect overall and specific allegations. According to the Division of Administrative Law (DAL), it can be hard for individuals to find the DCFS policies that define the allegations that serve as the criteria in appeal hearings. According to DCFS, it is considering adding a link in its notification letter to a website that would include relevant legal references. In addition, DCFS plans to merge all valid notification letters into one version as part of its new Comprehensive Child Welfare Information System (CCWIS).<sup>34</sup>

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### **DCFS’ deadline of 20 business days for filing appeals is comparable to other states, but some states are more flexible in enforcing these deadlines.**

DCFS requires individuals to submit a written request to DAL for an appeal within 20 days of the notification letter, not including weekends or holidays (i.e.,

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<sup>34</sup> DCFS anticipates the intake and investigation module of the new system will be implemented in September 2023.

“business days”).<sup>35</sup> According to DCFS, because the 20 business days does not include weekends or holidays, individuals generally have 28 to 29 calendar days to request an appeal. However, neither DCFS regulations nor the notification letter specify that the 20-day window refers to business days, so individuals may not know that they have more time to request an appeal.

Based on our survey results, Louisiana’s deadline to request an appeal is comparable to other states. Surveyed states had appeal deadlines ranging from 10 business days in Alabama to 180 calendar days in Michigan, but overall, 13 (76.5%) of the states’ deadlines were 30 calendar days or fewer. However, some states are more flexible than others regarding these deadlines. For example, Connecticut stated that its 30-calendar-day deadline is not enforced and individuals can appeal at almost any time, even if a previous appeal was withdrawn, abandoned, or dismissed for failure to appear. In addition, Michigan will accept appeal requests up to 60 days after the 180-calendar-day deadline if the individual can show good cause for the delay, which could include hospitalization, incarceration, delay in mail service, or mail returned due to an inaccurate mailing address. One article advocating for registry reform argues that states should abolish or drastically reform deadlines for requesting appeals, pointing out that Nebraska permits appeals to be filed “at any time,” and approximately 80% of its total hearing requests in 2015 were received more than one year after the notification letter was sent.<sup>36</sup>

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**Louisiana and all but one surveyed state have administrative appeal processes, but Louisiana and some states’ processes include one or more features that strengthen individuals’ due process protections, such as delaying registry placement until appeal rights are exhausted, having hearings overseen by external parties, and reversing valid findings based on court rulings in related cases.**

Since 1992, federal law<sup>37</sup> requires states to provide individuals who disagree with an official finding of abuse/neglect a process to appeal the finding. Although

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<sup>35</sup> According to DCFS, it developed its 20-business-day timeline for filing appeals based on a federal law that requires DCFS to complete clearances of child care employees within 45 days, as this timeframe allows DCFS to complete the notification and appeal process for individuals with valid findings from before August 2018 who were never previously notified of their appeal rights. Although the 45-day federal requirement does not apply to new findings, according to DCFS, it implemented the same deadline for all cases because some individuals appeal both old and new cases at the same time, and having two different deadlines would be too complicated.

<sup>36</sup> “[Inadequate Protection: Examining the Due Process Rights of Individuals in Child Abuse and Neglect Registries](#),” Washington and Lee Law Review, April 2020.

<sup>37</sup> 42 U.S.C.A. 5106a

related federal guidance<sup>38</sup> requires appeal processes to afford the individual due process, not be overseen by an office or individual involved in any other stage of the case, and have the authority to overturn a valid finding, it otherwise allows states flexibility in determining the type of appeal process that best meets their needs. As a result, the administration and functioning of states' appeal processes vary widely. Although 16 (94.1%) of the 17 surveyed states have some type of administrative appeal process, the entities overseeing the process and whether the process includes a hearing or only a review of case files varies.<sup>39</sup> Specifically, 11 states' appeal processes consist of an administrative hearing or review through the same state agency that initially determined the finding was valid, and five states' appeal processes consist of administrative hearings conducted through a different state agency.

Louisiana's appeal process involves an administrative hearing through a different state agency, similar to five surveyed states. According to DCFS, it adopted the current appeal process overseen by DAL in August 2018 to enhance due process before new clearance requirements began impacting individuals' employability. Appeal processes in Louisiana and some surveyed states contain one or more features that help to strengthen due process protections for individuals, including:

- **Addition to registry only after appeal rights exhausted:** Six (35.3%) of the 17 surveyed states add individuals to their registries as soon as findings are determined valid. As a result, agencies in these states can begin disclosing an individuals' presence on the registry before the individual has a chance to appeal. Advocates of registry reform recommend that states require an individual's appeal rights to be exhausted before adding them to their registries. This is the case in Louisiana and the remaining 11 surveyed states.<sup>40</sup> In Louisiana, appeal rights are not exhausted unless an individual does not request an appeal within the deadline, withdraws their request for an appeal, or if an appeal hearing results in the DCFS valid finding being upheld. Until then, DCFS cannot provide clearance results to external parties showing that an individual is on the SCR.
- **Appeal overseen by impartial third party:** As mentioned previously, 11 (64.7%) surveyed states' appeal processes are overseen by the same state agency that determined the finding was valid. As noted by a survey respondent from one of these states,

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<sup>38</sup> U.S. Administration for Children and Families' [Child Welfare Policy Manual](#)

<sup>39</sup> In North Carolina, the remaining state, the appeal process involves a judicial review conducted through the court system. North Carolina adopted this process after the North Carolina Court of Appeals issued a decision in 2010 that listing an individual in the central registry prior to a court hearing violates an individual's constitutionally protected due process rights regardless of employment prospects.

<sup>40</sup> Some of these states disclose an individual's valid findings before appeal rights are exhausted in exceptional circumstances. In Louisiana, there are exceptions when court or other action is necessary for the safety of the child, and when another state agency is conducting a time-sensitive CPS investigation.

“Many people are initially mistrustful when they learn that the appeal process is conducted by agency staff.” Although these appeal processes are overseen by offices or individuals who were not involved in the initial validity determination, states like Louisiana with an appeal process established through a separate state agency provide greater assurance of an impartial decision-maker than processes through the same state agency. In the current DCFS appeal process, DAL assigns an administrative law judge to preside over the case to decide whether DCFS can prove by a preponderance of evidence that policy criteria was met to find the allegation valid.<sup>41</sup> According to DAL, it serves a critical role as an independent decision maker, as agencies that make disputed determinations are less likely to overturn their own decisions.

- Removal from registry based on conflicting court decision:** In some circumstances, such as agency referral of certain cases to the justice department, related but separate court decisions may be made concerning the same circumstances that resulted in a valid agency finding. When this happens, some states will adjust agency findings to align with the court’s conclusions. For example, five (29.4%) surveyed states will reverse the agency’s valid finding(s) and remove a person from the registry if a court finds that the instance of abuse/neglect did not occur, and an additional five (29.4%) states will take such court decisions into account in some circumstances. Some reform advocates argue that all states should remove individuals from the registry if a court concludes that abuse/neglect did not occur (*see text box at right*). In Louisiana, information on findings changed from valid to invalid would still be retained in the repository, but the individuals would no longer be “on the SCR” for the purpose of employment clearances. However, according to DCFS, given that such court proceedings have higher standards of evidence and may be focused on the child’s safety rather than whether abuse/neglect occurred, it stands that just because a person was not convicted of a crime, that does not mean that no abuse occurred.

“There is reason to believe that court-based findings may be more accurate than administrative determinations. Judges often review a broader array of evidence, and that evidence often must be presented in accordance with the rules of evidence, which are geared toward ensuring reliability. [...] States should automatically expunge a report from the registry if a petition based on that report is dismissed in a court of law. [...] If Family Court has found no abuse or neglect occurred after an adjudicatory hearing on the merits, the only result of requiring a duplicative administrative procedure is waste.”

**Source:** [“Inadequate Protection: Examining the Due Process Rights of Individuals in Child Abuse and Neglect Registries,”](#) Washington and Lee Law Review, April 2020

<sup>41</sup> Prior to the current DCFS appeal process, individuals could only be removed from the SCR by requesting a correction or expungement order from the courts after they had already been added to the SCR.



- **Agency review before appeal:** Several states incorporate state-level agency review of valid findings as part of their appeal processes. Specifically, Louisiana and five surveyed states automatically perform agency review of valid findings after an appeal is requested to determine whether to overturn the findings before the appeal process moves forward to a hearing. In addition, seven other states have processes for individuals to request agency review before requesting an appeal, including five states that require this review to be requested first and two states in which it is optional. Once the CCWIS is implemented, DCFS plans to adopt a process requiring individuals to request review from PSRT before an appeal can be requested from DAL. According to DCFS, this would expedite PSRT's receipt of information needed to review each case by eliminating delays caused by legal procedures, allowing it to make its determination before an appeal is filed. However, according to DAL, one unique feature of DCFS' current appeal process compared to other cases it handles is that individuals must submit requests for appeals directly to DAL rather than DCFS. DAL stated that this provides an additional measure of independence, as DCFS does not have the opportunity to declare an appeal request invalid before DAL receives the request.
- **Judicial review of appeal outcome:** Louisiana and all surveyed states except Texas and Nevada allow for further appeal of administrative appeal decisions through the court system. In Louisiana, either the individual or DCFS can request judicial review of a DAL decision through the district courts.

In addition, some states support the fairness of appeal proceedings by ensuring that the agency only has legal representation if the individual retains counsel. Louisiana and all surveyed states allow individuals to hire an attorney to represent themselves in appeals; however, neither Louisiana nor any surveyed states provide legal counsel to individuals who cannot afford it for appeal proceedings.<sup>42</sup> This can place individuals who cannot afford an attorney at a disadvantage when seeking to have a valid finding overturned. Unlike Arkansas, DCFS does not include contact information for free legal service providers in its notification letters. However, DAL stated that since most individuals are not represented in these cases, it strives to make the hearing process as approachable and understandable as possible by providing its administrative law judges with training to assist self-represented appellants. In addition, DAL always schedules prehearing conferences for these complex cases so that the administrative law judge can explain the proceedings to the parties.<sup>43</sup>

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<sup>42</sup> Unlike criminal proceedings, there is no federal due process requirement that indigent individuals be appointed counsel for appeals of valid findings.

<sup>43</sup> For example, administrative law judges use prehearing conferences to facilitate communication between the individual and agency and to explain important dates, the scope of the hearing, hearing procedure, and rules of submitting and sharing evidence in layman's terms.

Arkansas and Michigan only assign an attorney to represent the agency in an appeal hearing if the alleged perpetrator has legal representation. By contrast, DCFS has four full-time attorneys on staff that represent the agency in all appeal hearings, even when the individual does not have an attorney.<sup>44</sup> According to DAL, while all parties always have the option of being represented by an attorney in their cases, the state is not typically represented by an attorney in some types of DAL hearings, such as healthcare cases, benefit disputes, or drivers' license renewal disputes.

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**Louisiana and some surveyed states have additional processes available to remove individuals from their registries and/or review their fitness to work in otherwise prohibited professions after appeal rights are exhausted to limit the impact on individuals' employability if they no longer pose a risk to children.**

After a person is added to a registry, the circumstances that caused their valid finding and made them a risk to children can change over time. Some states have developed processes that provide additional opportunities for individuals to be removed from their registries after their appeal rights are exhausted, including the following:

- **Review of changed circumstances:** Louisiana and four surveyed states allow individuals to request removal from their registries after a certain amount of time has passed if they can show that the circumstances that led to the abuse/neglect have changed. Arkansas allows such reviews beginning one year after the individual is added to their registry, Connecticut after two years, South Dakota after five years, Nevada after seven years, and Louisiana after four or nine years depending on the tier. These reviews are conducted either by the agency or through the court system. Some states restrict individuals from making these requests based on the severity of their findings or additional subsequent findings.
- **Hearing on risk to children:** As part of its recent reforms that will limit registry additions to only the most egregious findings, Michigan's law was amended to allow individuals (except for those who perpetrated sexual abuse or sexual exploitation) to request removal from the registry not more than once every 10 years after they are added, effective November 2022. The process involves a hearing with an administrative law judge in which the individual is presumed to be a

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<sup>44</sup> These attorneys' responsibilities are only related to appeals of valid abuse/neglect findings through administrative hearings or judicial review. According to DCFS, it has an additional staff attorney position open that it hopes to fill in the near future.



risk to children, and the burden of proof is on the individual to demonstrate that this presumption is unreasonable in order to be removed.

- **Emergency or barrier review:** Connecticut conducts emergency or barrier reviews when an individual's child protection history has been identified as a barrier to licensure, child placement, or approval of a family arrangement, or has otherwise resulted in a limitation of access. These reviews reevaluate old registry findings if they pose some sort of barrier to a family in terms of childcare (e.g., if a family member is needed to provide childcare, but has an old finding). Emergency reviews must be completed within one day, and barrier reviews must be completed in three days. A waiver is not granted if after review, the valid finding is still recommended for registry placement.<sup>45</sup>
- **Good cause review:** Oregon has the authority to review individuals' cases and remove them from its registry using a good cause review, which provides the agency flexibility in specific circumstances that are not addressed in regulation. "Good cause" is not specifically defined, but could include a contradictory legal finding; missing the appeal deadline due to hospitalization or other legitimate reason; the confession of a different person to the abuse; or new information indicating the individual was not responsible, that what happened was not abuse, or that there is no longer a reasonable cause to believe the abuse occurred.

In addition, three (17.6%) surveyed states have review processes that allow individuals on their registries to be considered for positions for which they would normally be ineligible. Washington recently created a program for individuals on its registry to seek a Certificate of Parental Improvement in order to expand individuals' employment opportunities. The agency issues a certificate if it determines that the requestor meets certain requirements (e.g., at least five years since addition to registry, finding was not severe abuse) and has the character, suitability, and competence to care for children. The program then requires some state agencies to accept these certificates when making hiring decisions. In addition, Alaska and Oregon allow individuals whose employment clearances come back with valid findings to request a review that weighs the responsibilities of the position applied for against the specific details of the valid finding. Louisiana used to have a process similar to these states that was administered by DCFS risk evaluation panels; however, it eliminated this process when it implemented the new Tiered Validity System (which includes a risk assessment component) and appeal process in 2018.

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<sup>45</sup> In Connecticut, valid findings are only recommended for registry placement if there is a separate finding at the time of the investigation that the person poses a risk to children.



## APPENDIX A: SUMMARY OF COMPARISONS TO OTHER STATES

The exhibit below summarizes the responses from other states as referred to throughout the report, including page numbers. We received survey responses from 17 states, including Alabama (AL), Alaska (AK), Arkansas (AR), Colorado (CO), Connecticut (CT), Idaho (ID), Iowa (IA), Kentucky (KY), Maryland (MD), Massachusetts (MA), Michigan (MI), Nevada (NV), North Carolina (NC), Oregon (OR), South Dakota (SD), Texas (TX), and Washington (WA). Responses were received between May 10, 2022 and June 7, 2022.

Summary of Comparisons to Other States																		
Process	LA	AL	AK	AR	CO	CT	ID	IA	KY	MD	MA	MI	NV	NC	OR	SD	TX	WA
<b>Initial determination of valid findings</b>																		
Require a preponderance of evidence to support valid agency findings (p. 6)		X	X	X	X		X	X	X	X		X	X	X		X	X	X
Require a lower level of evidence ("reasonable cause to believe" or equivalent) to support valid agency findings* (p. 6)	X					X					X			X				
<b>Addition of valid findings to registry</b>																		
Include all individuals with any valid finding on registry for the same period of time (p. 8)		X	X		X					X	X		X	X	X	X		X
Include all individuals with any valid finding on registry permanently (p. 8)					X					X				X	X	X		X
Require an additional assessment after the initial determination of a valid finding to determine if the individual is a risk to children (pp. 8-9)				X		X												
Has differential response approach that provides more flexibility in handling certain low-risk reports of abuse/neglect to better meet the needs of families (p. 9)					X			X		X				X				
Has laws, regulations, or policies specifying that circumstances caused solely by poverty should not result in a finding of neglect (p. 9)	X					X			X		X							X
Limit the types of valid findings that can be added to the registry based on their nature and/or severity (pp. 9-10)	X			X		X		X				X						

Summary of Comparisons to Other States																		
Process	LA	AL	AK	AR	CO	CT	ID	IA	KY	MD	MA	MI	NV	NC	OR	SD	TX	WA
Require individuals to stay on the registry for different time periods based on valid findings' nature or severity (p. 10)	X			X			X	X	X			X					X	
<b>Delivery method for notification letters</b>																		
Use certified mail to help ensure that individuals receive notification letters (p. 12)		X		X			X		X			X	X	X	X	X		X
Allow for hand delivery of notification letters as an alternative to certified mail (p. 12)		X							X						X	X		X
Allow individuals to file an appeal after the deadline has passed if they can show they never received the notification letter (p. 13)	X		X	X	X	X	X		X	X	X	X	X	X	X	X		X
<b>Information provided in notification letters</b>																		
Notification letter includes an explanation of why an allegation was found valid (p. 14)		X					X		X						X		X	X
Notification letter only includes the type of allegation (p. 14)	X			X	X	X		X		X	X	X	X					
Notification letter lists all parties authorized to request registry information for specific purposes so that recipients are aware of all potential outcomes of registry placement without having to refer to other sources (p. 14)										X								
Notification letter specifically states that registry clearances could impact an individual's employment, licensing, and/or volunteer opportunities (pp. 14-15)		X		X	X		X	X	X				X					X
Notification letter specifies the types of professions affected by registry clearances (pp. 14-15)					X		X	X					X					X
Notification letter specifies whether the timeframe to request appeals is calendar or business days and gives a clear explanation of when the timeframe starts (p. 15)		X			X				X		X		X		X			X
Notification letter explains how individuals can request access to the agency's investigative records related to their finding (p. 15)				X	X			X				X						X

Summary of Comparisons to Other States																		
Process	LA	AL	AK	AR	CO	CT	ID	IA	KY	MD	MA	MI	NV	NC	OR	SD	TX	WA
<b>Deadlines for filing appeals of valid findings</b>																		
Deadline for filing appeal is 30 calendar days or fewer (p. 16)	X	X	X	X		X	X		X		X		X	X	X	X	X	X
Deadline for filing appeal is more than 30 calendar days (p. 16)					X			X		X		X						
<b>Due process protections in appeal processes</b>																		
Appeal process involves an administrative hearing overseen by different state agency than one that initially determined finding was valid (p. 17)	X		X				X			X		X						X
Appeal process involves an administrative hearing/review overseen by same state agency that initially determined finding was valid** (p. 17)		X		X	X	X		X	X		X		X		X	X	X	
Appeal process involves a judicial review through the court system (p. 17)														X				
Add individuals to registry only after appeal rights are exhausted (p. 17)	X	X	X	X		X	X		X	X			X	X		X		X
Add individuals to registry as soon as findings are determined valid (p. 17)					X			X			X	X			X		X	
Will reverse valid findings and remove a person from the registry if a court finds that the instance of abuse/neglect did not occur (p. 18)		X							X		X		X					X
May reverse valid findings and remove a person from the registry if a court finds that the instance of abuse/neglect did not occur, in some circumstances (p. 18)				X		X	X	X		X								
Automatically perform agency review of valid findings after an appeal is requested to determine whether to overturn the findings before the appeal process moves forward to a hearing (p. 19)	X		X	X	X							X		X				
Require individuals to request agency review before requesting an appeal (p. 19)						X	X								X		X	X
Optional for individuals to request agency review before requesting an appeal (p. 19)								X								X		

Summary of Comparisons to Other States																		
Process	LA	AL	AK	AR	CO	CT	ID	IA	KY	MD	MA	MI	NV	NC	OR	SD	TX	WA
Allow for further appeal of administrative appeal decisions through the court system (p. 19)	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X		X
Only assign an attorney to represent the agency in appeal hearings if the alleged perpetrator has legal representation (p. 20)				X								X						
<b>Additional processes for removal from registry after appeal rights are exhausted</b>																		
Allow individuals to request removal from the registry after a certain amount of time has passed if they can show that the circumstances that led to the abuse/neglect have changed (p. 20)	X			X		X							X			X		
Has review process to allow individuals to be considered for employment positions for which would otherwise be ineligible due to registry placement (p. 21)			X												X			X
<p>*Of the states that require a level of evidence lower than a preponderance of evidence to confirm a valid finding, Louisiana, Connecticut, and Massachusetts require a preponderance of evidence to confirm a valid finding in an appeal hearing.</p> <p>**In Colorado and Iowa, an appeal hearing is held through a separate state agency, but the agency that determined the finding was valid can override the administrative law judge's decision before it becomes final. In Texas, all individuals are eligible for an administrative review overseen by the same state agency that determined the valid finding, but only individuals undergoing a background check to work or volunteer with children are eligible for an administrative hearing overseen by a different state agency than the one that initially determined the valid finding.</p> <p><b>Source:</b> Prepared by legislative auditor's staff using information from surveys of other states and state laws, regulations, and/or policies.</p>																		