

Assessing the Feasibility of Creating and Maintaining A National Registry of Child Maltreatment Perpetrators

Research Report



U.S. Department of Health and Human Services
Office of the Assistant Secretary for Planning and Evaluation

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Assessing the Feasibility of Creating and Maintaining a National Registry of Child Maltreatment Perpetrators

Executive Summary

The Adam Walsh Child Protection and Safety Act of 2006 requires the U.S. Department of Health and Human Services (DHHS) to establish a national registry of maltreatment perpetrators (also often referred to as a national child abuse registry), and to conduct a feasibility study regarding a variety of implementation issues including costs and benefits, data collection standards, and due process procedures. In May of 2009, DHHS delivered an Interim Report to the Congress that summarized the current state of knowledge on these issues and identified the key tasks to be addressed in a full feasibility study. These included: a prevalence study to determine the number of interstate perpetrators that might be identified through a national registry; a systems review to document current State policies and practices regarding the collection, maintenance, and sharing of information on substantiated child maltreatment perpetrators; a review of States' existing due process procedures; and an exploration of State interest in and concerns over participating in a national registry.

This report provides the results of this feasibility study, carried out by Walter R. McDonald & Associates, Inc. and its partner, the Center for Children and the Law, American Bar Association. The study has two major components: a Prevalence Study, and a Key Informants Survey (KIS). The KIS was composed of three surveys related to legal and policy issues, child welfare practices related to obtaining and providing data on perpetrators to out of State requestors, and the capacity of the information technology supporting State registries to participate in a national registry. Twenty-two States submitted multiyear data to the Prevalence Study, and 38 States participated in the KIS. Information from the legal and policy survey was supplemented on selected key legal topics with a review of available State laws and policies.

The Prevalence Study estimated the number of substantiated perpetrators in 2009 who had also been substantiated in another State within the previous 5 years. In addition, the study assessed whether these perpetrators committed more serious cases of maltreatment compared to other perpetrators, and whether the majority of them had previous reports in neighboring States. The primary data source for the study was the individual case records from the National Child Abuse and Neglect Data System (NCANDS) for 2005-2009, supplemented with name and date of birth information for all substantiated perpetrators, supplied by the 22 States participating in the study (representing 54 percent of the U.S. population). Names were encoded by the States prior to submission in order to maintain confidentiality while still supporting the cross-state matching of records. Data from the 2000 decennial Census on interstate migration rates were used to model estimates for non-participating States.

The Prevalence Study investigated a number of algorithms for matching records across States to identify interstate perpetrators. These analyses were intended to determine whether the Adam Walsh Act provision limiting identifying information collected within a national registry to the perpetrator's name would prove feasible, and if not, what other identifying information would be necessary to produce adequate matches. Matches based on encoded name only proved completely inadequate, resulting in interstate matches for 89 percent of all records, the vast majority of which are likely to be false positive results. While unencoded names would reduce

the percentage of matches somewhat, these results make it clear that name alone will not be adequate to produce reliable matches in a national registry. Matches based on encoded name, sex, and date of birth, produced much higher quality matches.

After adjusting for migration from nonparticipating states, the Prevalence Study model produced a national estimate of 7,852 interstate perpetrators in 2009, representing about 1.5 percent of all substantiated perpetrators in that year. The number of annual matches for a national registry could be larger, though, depending on the purposes for which it was used. Interstate perpetrators were found to have more serious cases in that they were more likely to have had a child removed from the household in 2009 (30% to 20%), and more likely to have had court involvement (28% to 19%). However, no differences were found in the seriousness of the types of substantiated maltreatment (measured as neglect, medical neglect, emotional maltreatment, physical abuse, and sexual abuse). In addition, very few perpetrators with prior findings were connected in any way to a child death in 2009; only 4 deaths out of a national total of 925 in the comparison year (2009) were associated with an interstate perpetrator. Finally, it was found that the majority of these perpetrators do not appear to migrate from neighboring States, though the percentages varied significantly across States (10% to 40% for the five States for which this factor could be assessed).

The Key Informant Survey (KIS) was actually three separate surveys covering legal and policy issues, current practices in sharing perpetrator information with other States, and the content and accuracy of existing state perpetrator registries. The perceived benefits and barriers to participating in a national registry were also asked in all three surveys. Each survey was completed by the staff person determined to be the most knowledgeable by the Director of the State child welfare agency. Detailed results are available in the full report. Key findings include the following:

Legal/Policy Findings

- Less than 2/3 of States (62%) use “preponderance of the evidence” or a higher standard of proof in determining who is a substantiated perpetrator of child maltreatment. The remaining States use a less strict standard.
- One third (35%) allow names to be placed on a registry pending appeal.
- Seventy-two percent of responding States indicated that they would (28%) or might (44%) have to change State laws in order to participate in a national registry.

Practice Findings

- Practices regarding which out-of-state entities may have access to state registry information on perpetrators vary substantially across the States, with many not granting access for employment checks.
- Most States do not routinely share gender, date of birth, or social security number when responding to out-of-state requests.

- However, nearly all States collect sex, date of birth or age, and name of perpetrator, and three quarters also collect social security numbers, indicating a general capacity to supply information needed to reliably identify interstate perpetrators in a national registry.

Perceived Benefits and Barriers to Participation

- The most frequent benefits mentioned by the participating States include saving time (mentioned by 25 States), providing more timely knowledge that would be useful in assessing child safety (22 States), improving cross-State accessibility of information (19 States) and simplifying access to information by providing a single source of information on maltreatment histories (19 States).
- The most frequent barriers mentioned were differences in definitions, findings, due process and rules for expunging old or overturned cases between (and even within) States (mentioned by 22 States), that participating would require costly changes to their information technology systems (15 States), and that participating would require staff resources that are scarce (13 States). A number of States were also concerned about the potential for false positives and false negatives in the identification process.

The report draws the following implications regarding the potential establishment of a national registry:

- Legislative changes at the federal level will be needed to allow for the collection of the minimum information needed to accurately identify perpetrators in the national registry. At minimum, sex, and date of birth would be necessary to produce better matches; social security numbers may also be desirable.
- A substantial majority of States will need to participate in the national registry and supply data on a regular basis in order for it to be useful to users. This may require incentives for participation.
- Minimum due process standards may be necessary for a national registry, and not all States currently meet likely standards.
- Most States will or may need to change State laws in order to participate in a national registry. Necessary changes are likely to depend on who may use the registry and for what purposes, which are not clear in the current law.

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SECTION I. FINDINGS

CHAPTER 1. BACKGROUND

This report discusses the feasibility of implementing a national registry of child abuse and neglect perpetrators. It addresses the gaps in information identified by the initial interim feasibility study conducted by the Department of Health and Human Services (HHS), Assistant Secretary for Planning and Evaluation (ASPE).¹ The identified gaps included:

- the frequency of perpetrators who offend in more than one State
- the capacity of State data systems to meet the needs of a national registry
- the level of State interest in participating in a national registry
- factors that would hinder or foster participation

Underlying the design, implementation and maintenance of a national registry is the actual nature of the data that would be included in a registry, the ability of the States to provide data, and the interest in obtaining data from a registry. The report is organized to address these concerns. The conclusion synthesizes the findings in terms of the key gaps of information that were identified by the Interim Report. The report has the following chapters.

- *Chapter 1. Background*—A summary discussion of the history of registries, the legislation behind the development of a national registry, key findings of the Interim Report, and the methodologies used in this study.
- *Chapter 2. Current Environment*—An overview of the current Federal and State policies and State practices that underlie any development of a national registry.
- *Chapter 3. Providing Data about Perpetrators to a National Registry*—Findings as to the legal, practice, and technological issues that would impact the ability of States to provide data to a national registry.
- *Chapter 4. Inquiring About Perpetrators from a National Registry*—Findings as to the legal, practice and technological practices that would influence the usage of a national registry by States. In addition, this chapter discusses the results of the prevalence study.
- *Chapter 5. Conclusions*—The concluding chapter synthesizes the findings of this study in terms of the key gaps of information identified by the Interim Report.

¹ U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation (May 2009). *Interim Report to the Congress on the Feasibility of a National Child Abuse Registry*. Available from, <http://aspe.hhs.gov/hsp/09/ChildAbuseRegistryInterimReport/index.shtml>

1.1 THE CONCEPT OF A NATIONAL REGISTRY

The idea of a national registry is to centralize some key data on individuals who have been found to be perpetrators of child abuse or neglect in one or more jurisdictions. Centralizing this information would allow other jurisdictions to acquire at least key data in a more efficient manner. It would also provide States the ability to identify previous substantiated findings of abuse and neglect in other jurisdictions independent of the reporting of prior residences by perpetrators. At the present time, this process of sharing information across States is highly individualized, labor intensive, and sporadic.

The interest in establishing a national registry comes at an important intersection of trends in the United States. These include

- a continued concern about the abuse of children, most notably those incidents which result in the death and/or abduction of a child, but also those resulting in egregious maltreatment of children, as reported in the press and the media;
- the large number of children maltreated annually and the investment of substantial government funds to address child maltreatment;
- the ongoing tension between considering the maltreatment of children as a social issue addressed by improving the social, economic, and emotional conditions of families, and a belief that parents who abuse their children should be punished and other children should be protected from such perpetrators;
- the increased interest in protecting children from not only their parents but also from other potentially abusive caregivers, such as foster parents, child care providers, substitute care providers, teachers, sports coaches, etc.;
- the wide expansion of automation in child welfare agencies, which makes possible the collection and maintenance of, and access to, large amounts of information, including “perpetrator” information; and
- the increasing demand by the public to have access to information, which is deemed to be necessary or useful in protecting children.

These trends have already resulted in the establishment of various registries including the National Crime Information Center (NCIC), the National Sex Offender Registry (NSOR), and the Federal Case Registry (FCR).²

² The FCR contains State Child Support Enforcement (IV-D) and non-IV-D case data and serves as a pointer system to help locate persons across State lines. A person’s data in the FCR are matched daily against employment data in the National Directory of New Hires (NDNH) and sent to States to facilitate case processing and increase collections.

Historical Functions of State Registries

Although the term register or registry has been used in conjunction with child welfare for more than 100 years, it is only within the last 50 years that there has been more focused attention on the function and scope of child abuse registries. In its broadest terms, a registry is a database of identifiable persons containing a clearly defined set of data collected for a specific purpose.³ The rise in technical capacity to store and organize large amounts of data, as well as the parallel trend of increased methods of communicating and disseminating various types of data to both known and unknown users has further complicated the issue of what might constitute a national child abuse perpetrator registry.

In the 1960s, child abuse became recognized as a serious public concern, due in large part by the publication of C. Henry Kempe's article, *The Battered Child Syndrome*, in the Journal of The American Medical Association.⁴ Soon thereafter, the first child abuse registries, some of which were established by private charitable organizations, were established in large cities such as New York City and Los Angeles. The first statewide registries were then established by legislation in California, Illinois, Virginia, and Maryland.⁵ At that time, there were two major approaches to creating a central registry.

The first approach was the "medical community model" in which a registry would be used to maintain information on previous reports of suspicious injuries of children, in order to detect the battered child syndrome.⁶ The other approach was a "social services model" which viewed registries as a means to better understand child abuse and neglect by searching for previous reports of abuse or neglect on the same child or his siblings, to help determine whether there is a repeating or continuing pattern of parental maltreatment.⁷ In either case, the issues of widely sharing such data were not envisioned. Nor was there the intent to track recurrent perpetrators as the primary focus.

With the passage of the Federal Child Abuse Prevention and Treatment Act of 1974 (CAPTA), many States received Federal funds to assist them in strengthening child protection programs including the development of child abuse registries. In 1975, a model act, known as the Child Protective Services Act of 1975, identified two additional purposes for a central register of reports. These included (1) helping ensure that investigations are done well and appropriate services are provided; and (2) serving as a research tool to determine the incidences of abuse and neglect in a State and the most effective types of treatment.⁸ Again, perpetrator tracking was not included.

³ Solomon, F.J., Henry, R.C., Hogan, J.G., Van Amburg, G.H., and Taylor, J. "Evaluation and Implementation of Public Health Registries. *Public Health Reports*, 105(2) (1991), 142-150.

⁴ Fontana, V., Besharov, D. *The Maltreated Child: The Maltreatment Syndrome in Children: A Medical, Legal and Social Guide, 4th Edition*. (Springfield, Illinois: Charles C Thomas Publisher, 1979).

⁵ Besharov, D. "Putting Central Registers to Work: Using Modern Management Information Systems to Improve Child Protective Services." *Chicago-Kent Law Review*, 54 (1978) 687-751.

⁶ Battered child syndrome is defined as a collection of injuries sustained by a child as a result of repeated maltreatment or beating.

⁷ Fontana, *The Maltreated Child*.

⁸ Ibid, 120.

In 1978, the first director of the National Center on Child Abuse and Neglect, Douglas Besharov, in a seminal article on central registries, “Putting Central Registries to Work: Using Modern Management Information Systems to Improve Child Protective Services,” stated that a central registry should be a comprehensive management information system that would facilitate better child protective services (CPS) case management, assist in assessing danger to children by having information about their prior inclusion on the registry as subjects of a report, and improve CPS’ accountability by monitoring follow-up on reports.⁹

With a climate of continued concern about the increasing rate of child abuse in the 1980s and 1990s came a recognition that child abuse perpetrator registry information could serve as a tool to cast a larger protective net for children. Some States began to provide information in their child abuse registries about agency-substantiated “perpetrators” of abuse or neglect to other organizations in the screening of applicants for positions of trust with children, such as daycare providers, foster parents, and potential adoptive parents.

New Technologies

As awareness and support for governmental action to prevent child abuse and neglect was growing, the technology information revolution had begun. State child welfare agencies began to automate their child welfare systems and develop increased capacity for collecting data on children and their families who were reported to CPS agencies. Since the 1980s and 1990s, the application of information technology to child welfare practice has increased significantly. The 2003 *National Study of Child Protective Services of Systems and Reform Efforts* found that “all States had policies regarding the maintenance of a Central Registry or some type of record keeping system to track reports of abuse and neglect.”¹⁰

As States began to create more comprehensive case-tracking systems or case-monitoring systems, some States began to move away from stand-alone registries. As the quote above indicates, some States had identifiable registries, while other States had more encompassing systems. These new systems included far more data than the earlier registries, which were often limited to data about children and, possibly, parents.¹¹

The Adam Walsh Act

The Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act) directs the Secretary of Health and Human Services to establish a registry of substantiated cases of child abuse or neglect (hereinafter, national child abuse registry) collected from State and tribal sources.¹² The act specifies that the information contained in the national child abuse registry should be accessible only to Federal, State, local, and tribal entities that have a need for such information to carry out their responsibilities for the protection of children from child abuse and

⁹ Besharov, *Putting Central Registries to Work*.

¹⁰ U.S. Department of Health and Human Services, Administration for Children and Families, Children’s Bureau, Office of the Assistant Secretary for Planning and Evaluation (2003) *National Study of Child Protective Service Systems and Reform Efforts: Review of State CPS Policy*. Washington DC: U.S. Government Printing Office.

¹¹ Most jurisdictions require a registry of child maltreatment perpetrators including 40 States, the District of Columbia, American Samoa, Guam, and Puerto Rico. Registries in other States may be maintained as a matter of administrative or agency policy. Child Welfare Information Gateway (2011) Establishment and Maintenance of Central Registries for Child Abuse Reports. Washington, D.C.: Children’s Bureau/ACYF. pp 1-2.

¹² The Adam Walsh Child Protection and Safety Act of 2006, P.L.109-248 633 (a), (b); 42 U.S.C. 16990(a),(b).

neglect.¹³ Key features of the national child abuse registry, as described in statute include the following:

- The registry “shall contain case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect.”¹⁴
- The law explicitly prohibits HHS from requiring States and Indian tribes to modify their existing registries or child maltreatment records to comply with the Adam Walsh Act and may not require the establishment of registries by those jurisdictions that do not have them.¹⁵
- Information provided to the Secretary of HHS “shall be coextensive with” a State’s or Indian tribe’s equivalent electronic registry if it maintains one.¹⁶

1.2 KEY FINDINGS FROM THE INTERIM REPORT

An initial feasibility assessment was conducted by the Department of Health and Human Services (DHHS), Office of the Assistant Secretary for Planning and Evaluation (ASPE). The initial study resulted in *The Interim Report to the Congress on the Feasibility of a National Child Abuse Registry* (Interim Report). The report was submitted to Congress in May 2009. Based on the review conducted, ASPE determined that there are “very substantial challenges involved in establishing a national child abuse registry” and that additional study was required to address several gaps in knowledge.¹⁷ The report identified the following gaps:

1. The potential benefits of a national child abuse registry are largely unknown. A prevalence study to determine the frequency with which child maltreatment perpetrators offend in multiple States must be conducted to assess the potential benefits.
2. It is unclear whether States would be willing to provide data to a national child abuse registry without incentives to encourage participation and without consequences for declining. States’ interest in participating in a national child abuse registry and the factors that may both foster and hinder participation must be assessed given that submission of data would be voluntary.
3. With respect to a due process procedure, “there can be no federal substitute for procedural protections at the State or local level.” The due process procedures currently

¹³ Id. at 633(e); 42 U.S.C. 16990(e).

¹⁴ Id. at 633 (2)(B); 42 U.S.C. 16990 (2)(B).

¹⁵ Id. at 633 (d) (1)(2); 42 U.S.C. 16990 (d)(1).(2).

¹⁶ Id. at 633(c)(1)(B)); 42 U.S.C. 16990 (c)(1).(B).

¹⁷ U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation (May 2009). *Interim Report to the Congress on the Feasibility of a National Child Abuse Registry*. Available from, <http://aspe.hhs.gov/hsp/09/ChildAbuseRegistryInterimReport/index.shtml>

provided by States must be examined to inform the development of recommendations for Federal due process protections that would pertain to a national child abuse registry.

4. The Adam Walsh Act limits case-specific information in a national child abuse registry to the perpetrator's name and type of maltreatment. Given that many names are common, additional fields are required to determine whether or not there is a match between the individual about whom an inquiry is made and a perpetrator listed in a national child abuse registry. Therefore, a review of the structure, file layout, and data standards comprising State child maltreatment registries must be conducted in order make recommendations for requirements to ensure the collection of sufficient information to accurately identify perpetrators.

1.3 OVERVIEW OF THE METHODS FOR THIS STUDY

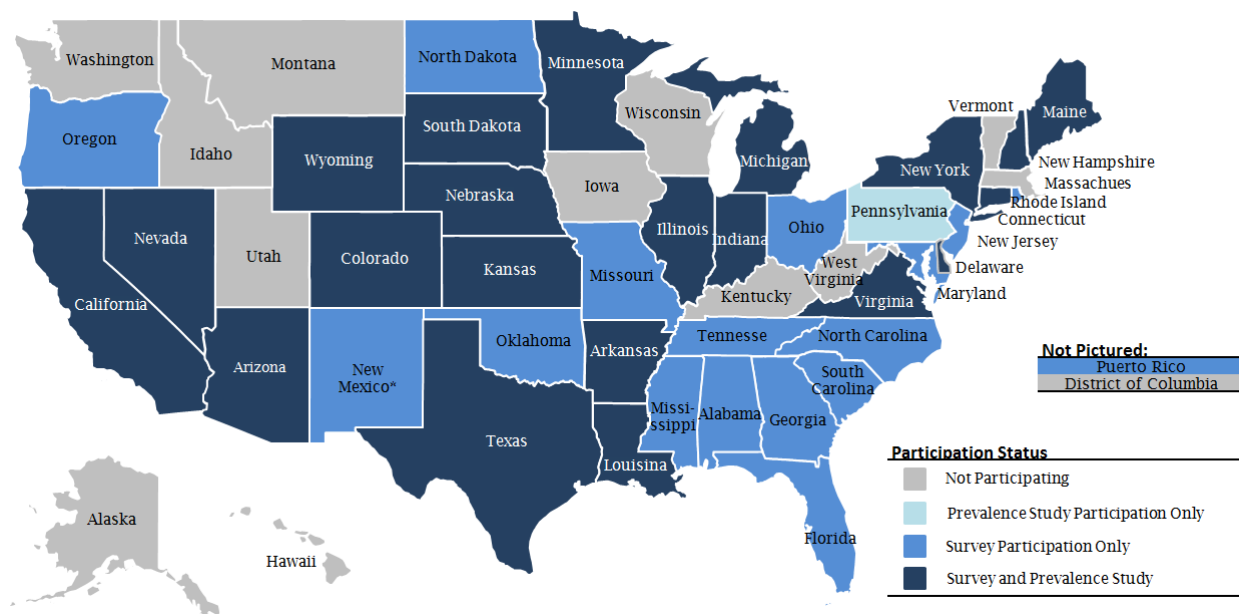
A key informant survey (Survey) and a prevalence study were conducted to address the knowledge gaps identified in the Interim Report. States were invited to participate in both the Survey and the Prevalence Study.

The Survey was composed of three separate questionnaires. The focus of the "Current Legal and Policy Requirements Regarding Sharing Information on Child Maltreatment Perpetrators Questionnaire" (Legal/Policy Questionnaire) was on the existing legal and/or written policy requirements regarding maintaining and sharing information on child maltreatment perpetrators and due process protections for such persons. The "Current Practices on Sharing Information on Child Maltreatment Perpetrators Questionnaire" (Current Practices Questionnaire) focused on practices in sharing perpetrator information with, and requesting information on child maltreatment perpetrators from other States. The "Technical Information on Data Repositories of Child Maltreatment Perpetrators Questionnaire" (Technical Information Questionnaire) focused on technical issues related to the structure, content, and accuracy of existing data repositories. In addition, in all three questionnaires, respondents were asked about perceived benefits of and barriers to participating in a national registry, and whether they felt that the benefits would outweigh the problems. See appendix A for the questionnaires. The questionnaires were Web-based and self-administered using Survey Monkey™.

The prevalence study combined data from individual records from the National Child Abuse and Neglect Data System (NCANDS) with name and date of birth information supplied by participating States in order to identify perpetrators who had been substantiated in more than one State. Last names were encoded to guard confidentiality and to facilitate the matching process. These matches were used to develop national estimates of interstate perpetrators, and to examine a limited set of their characteristics that are relevant for the feasibility study. National estimates were produced using a model that combines these matching results with the U.S. Census Bureau's (Census) interstate migration estimates. The matching process was also used to shed light on the type of information that would be needed in a national registry to support accurate matching. See appendices B and C for further details on the prevalence study.

State Child Welfare agencies for all States were recruited to participate in both components of the study over a 3-month period in the spring and early summer of 2011. A total of 38 States representing 84% of the U.S. population participated in one or more of the Survey questionnaires. Most responded to all three questionnaires, and 36 States (though not always the same States) participated in each individual survey. For selected questions in the Legal/Policy Questionnaire, data for nonparticipating States were added based on a review of current State laws. As a result, some results from the Legal/Policy Questionnaire are based on 36 States, while others are based on information from all 52 States. Twenty-two States, representing 55 percent of the total U.S. population, supplied the data needed for the prevalence study. Figure 1 below provides a map of participants for both the Survey and the prevalence study. (See table 1.)

Figure 1: Registry Study Participation



1.4 TERMINOLOGY

Throughout the text certain conventions are used in terminology. These include the following.

- The term State(s) is used to include the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.
- The national registry of perpetrators of child abuse and neglect is referred to as “a national registry” or “the registry.” If any other registry is discussed, its full name or reference is used.
- All perpetrators, unless otherwise designated, are persons who have been determined by a child welfare agency to have abused or neglected a child. Persons alleged to be perpetrators are not included in this designation. Nor does the designation refer only or even primarily to those persons convicted of a criminal or civil offense – judicial

determinations have been made in only a small percentage of these cases. The terms child abuse and neglect, child abuse or neglect, and child maltreatment are used interchangeably.

- Unless otherwise specified, all percentages are based upon the information provided by the 36 States that responded. While the majority of responding States replied to the three surveys, some States responded to fewer; thus the number 36 does not refer to the same States in each case.
- The term data repository is used for potential State data sources, since these may or may not be actual “registries” of perpetrators.

1.5 ORGANIZATION OF THE REPORT

The report is presented in three sections. The first section contains the main findings of the study. The second section contains State-by-State data tables, which are referenced in the first section. The third section includes all technical appendices, as well as additional materials on due process and case law.

CHAPTER 2. CURRENT ENVIRONMENT

This chapter provides a snapshot of the current practice and policy environment in which State child protective services (CPS) systems identify child maltreatment perpetrators and maintain records on such perpetrators. The first section provides a brief overview of the current Federal guidance and requirements related to maintaining or obtaining data about perpetrators. The second section provides an overview of the commonalities and differences among State policies and practices in terms of definitions of child abuse and neglect; CPS responses and categories of findings; procedures for providing due process to perpetrators; and maintenance of information on such persons.

2.1 FEDERAL REQUIREMENTS AND GUIDANCE

Additional provisions of the Adam Walsh Act Child Protection and Safety Act of 2006 (Adam Walsh Act) and provisions of the Child Abuse Prevention and Treatment Act of 1974 (CAPTA) and the Federal Privacy Act of 1974 (Federal Privacy Act) have a potential impact upon the creation of a national registry.^{18,19,20} In addition to requiring the Department of Health and Human Services (HHS) to establish a national child abuse registry, the Adam Walsh Act requires States, territories, and tribes that receive payments under Title IV-E of the Social Security Act to check the child abuse and neglect registry in any State in which a prospective foster or adoptive parent or an adult member of their household has lived in the previous 5 years. States must also provide registry checks requested by other States and take steps to prevent unauthorized dissemination of the information.²¹

The Child Abuse Prevention and Treatment Act (CAPTA)

As a condition of receiving Federal funding through CAPTA, States must preserve the confidentiality of all child abuse and neglect reports and records to protect the privacy rights of the child and of the child's parents or guardians. Reports and records of abuse and neglect may only be made available to:

- individuals who are the subject of the report
- Federal, State or local government entity, or any agent of such entities that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect
- child abuse citizen review panels
- child fatality review panels
- a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court of grand jury

¹⁸ The Adam Walsh Child Protection and Safety Act of 2006, P.L.109-248 633; 42. U.S.C. 16990.

¹⁹ The Child Abuse Prevention and Treatment Act as amended (2010), P.L. 111-320; 42 U.S.C. 5101 et seq; 42 U.S.C. 5116 et. seq.

²⁰ 5 U.S.C 552a et. seq. (West 2010).

²¹ The Adam Walsh Child Protection and Safety Act of 2006, P.L.109-248 §152; 42. U.S.C. 671(a)(20).

- other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose²²

If the records are accessible to the general public or are used for the purposes of employment or other background checks, then States must also submit plans that include provisions and procedures for the prompt removal of records of unsubstantiated or false allegations of child abuse and neglect.²³

The Federal Privacy Act of 1974

The Federal Privacy Act establishes rules that govern the collection, maintenance, use, and dissemination of personally identifiable information about individuals, maintained in a system of records by Federal agencies. A system of records is a group of records under the control of an agency from which information is retrieved by the name of the individual or by some identifier assigned to the individual. The law prohibits the disclosure of information from a system of records absent the written consent of the subject individual, unless the disclosure is pursuant to one of the statutory exceptions. Two of the exceptions may apply to the national registry—the “routine use” exception, and the “law enforcement” exception.

The “routine use” exception states that agencies may disclose records contained within a system of records “for a routine use.” A routine use with respect to the disclosure of a record is defined as “the use of such record for a purpose, which is compatible with the purpose for which it was collected.”²⁴ If this exception is applied, then the following must be published.

“[e]ach agency that maintains a system of records shall . . . publish in the Federal Register upon establishment or revision a notice of the existence and character of the system of records, which notice shall include each routine use of the records contained in the system, including the categories of users and the purpose of such use.”²⁵

The law enforcement exception may be used if States are requesting data for civil or criminal law enforcement. This exception states that information may be disclosed:

To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought.²⁶

The Federal Privacy Act also requires government agencies to assure that records are accurate, that individuals have an opportunity to review and request amendment of records pertaining to

²² The Child Abuse Prevention and Treatment Act as Amended (2010), P.L. 111-320; 42 U.S.C. 5106 (b)(2)(B)(viii).

²³ The Child Abuse Prevention and Treatment Act as Amended (2010), P.L. 111-320; 42 U.S.C. 5106 (b)(2)(B)(xii).

²⁴ 5 USC § 552a(a)(7) (West 2010).

²⁵ 5 USC § 552a(e)(4)(D) (West 2010).

²⁶ 5 USC § 552a(b)(7) (West 2010). In HHS’ 2009 Interim Report to Congress, when discussing the Privacy Act, HHS stated that “this database would be used for civil law enforcement purposes.” Interim Report at 24.

them, and that procedures are established to record how and when personal information is disclosed.

2.2 STATE LAW, POLICIES, AND PRACTICES

All child protective services (CPS) systems are governed by a statutory scheme that specifies how the protection of maltreated children is to be accomplished in the State. Each State also has an administrative agency charged with supervising or implementing the processes, procedures, and services for addressing child maltreatment. In some States, child welfare is State-administered and, in others, it is county-administered. Regardless, most child welfare work is carried out at the local level. There are common processes of child protective services that occur in all jurisdictions. All jurisdictions responsible for child protective services have procedures for accepting reports of child abuse and neglect, investigating those reports, determining whether child abuse or neglect has occurred, providing protective services if maltreatment is substantiated, and maintaining records of reports and case dispositions. Nevertheless within these common processes there is significant variation, which may imply serious issues for implementing a national registry.

Definitions of Child Abuse and Neglect

CAPTA serves as guidance to States in developing their own statutory definitions of child abuse and neglect. CAPTA defines child abuse and neglect as, at a minimum,

“Any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm.”²⁷

Most States recognize a multiplicity of types of abuse or neglect. In most cases, the majority can be cross-walked to four major types of maltreatment: neglect, physical abuse, sexual abuse, and psychological maltreatment. Additional major categories sometimes include: fatality; lack of supervision; and child in need of services.

Neglect is usually defined as the failure of a parent, or other person responsible for caring for the child, to provide food, clothing, shelter, medical care, or required supervision to protect the child from harm. Twenty-four of 52 States include failure to educate the child as required by law in their definition of neglect. Medical neglect is specifically defined by seven States. Lack of supervision, which is not mentioned separately under Federal law, is often identified at State and local levels. Seventeen States include abandonment in their definitions of abuse or neglect, usually as a type of neglect.²⁸

Physical abuse is generally defined as any physical injury to the child that was not accidental. In 38 of 52 (73.1%) States, the definition also includes acts or circumstances that threaten or create a substantial risk of harm to the child. As might be assumed, the aspect of intentionality underlies

²⁷ The Child Abuse Prevention and Treatment Act as Amended (2010), P.L.111-320, §3; 42 U.S.C. 5101 et. seq.

²⁸ Child Welfare Information Gateway (2011). *Definitions of Child Abuse and Neglect*. Available from, http://www.childwelfare.gov/systemwide/laws_policies/statutes/define.pdf.

designations of child abuse and neglect, but in varying degrees. Thus, physical discipline by parents is often considered in terms of how extreme the discipline is and whether it is age appropriate. Some States require some evidence of repeated physical abuse as a measure of intentionality.

All States include sexual abuse in their definition of abuse either in general terms or by providing a list of particular acts that constitute sexual abuse. Psychological maltreatment can be identified by 32 of 52 (61.5%) States.²⁹

Although there is broad consensus about types of maltreatment, which is specifically required as part of a national registry by the Adam Walsh Act, there are some concerns that the terms are not fully comparable across all jurisdictions.

CPS Responses and Categories of Findings

All jurisdictions have child abuse and neglect reporting laws that require certain professionals and institutions to report suspected maltreatment to a CPS agency. When a CPS agency receives a report of suspected child abuse and neglect, the first step is to screen the report to determine whether the allegations include behaviors or injuries that meet the State's statutory definition of child abuse and neglect. If the report is screened out, the agency may take no further action or may refer the case to community resources or prevention services.

Once a CPS agency has accepted a report of child abuse or neglect, the majority of cases receive an investigation.³⁰ State policies specify the standard of proof or evidence required to substantiate the allegation of maltreatment. More than one-half of all 52 States (61.5%) use a "preponderance of the evidence" or higher standard when making a finding concerning maltreatment. The preponderance of the evidence standard requires that there is enough evidence to demonstrate that it is more likely than not that the allegations are true. This standard is used by 29 States. Clear and convincing evidence is a higher standard and is used by 3 States. In 20 of 52 States (38.5%), a lower standard is sufficient to support a conclusion that a child has been maltreated. These standards include "probable cause," "some credible evidence," "reasonable cause," and "heightened credible evidence."³¹ (See table 2.)

After completing an investigation, the CPS investigator, either alone or in conjunction with a supervisor or team, must determine whether the child has been maltreated according to the State's statutory definition of abuse and neglect and the associated standard of proof. In 24 States (66.7%) the terms "substantiated" or "founded" are used. In eight States (22.2%) the terms

²⁹ Ibid.

³⁰ Some States also provide an alternative response or "differential response," "family assessment response," or "dual-track." Alternative response involves assessing family strengths, identifying the needs of the family, and providing services to the family without establishing the validity of the report. That is, there is usually no formal determination or substantiation of child abuse or neglect or the identification of perpetrators. In most cases, acceptance of alternative response and its services is voluntary. Since such cases do not result in the determination of a perpetrator, it is unlikely that data from most such cases would be part of a national registry.

³¹ Information on State standards of proof was obtained from the Legal Survey for 36 States. Information for the remaining States was obtained from U.S. Department of Human Services, Administration on Children, Youth and Families, Children's Bureau. (2010). *Child Maltreatment 2009*. Available from <http://www.acf.hhs.gov/programs/cb/pubs/cm09/cm09.pdf>.

“indicated” or “reason to suspect” are used either in addition to, or instead of, substantiated or founded. Fourteen States (38.9%) use additional terminology including “reason to believe,” “service required,” “service recommended,” “confirmed maltreatment,” “determined or not determined,” “valid or invalid,” and “verified but not substantiated.” Regardless of these differences, States are able to determine which findings result in the determination that a person will be classified as a perpetrator of maltreatment.³²

The investigation response results in a specific finding on each allegation of maltreatment and, if the findings are substantiated, one or more persons may be considered to be perpetrators. In some States, a person can be found to be a perpetrator of abuse and neglect even if the behaviors did not result in actual injury to the child, if they created a substantial risk of harm. In other States, a perpetrator may not be identified unless services for the child or children were mandated. In these cases, the State has determined that the incident was a one-time occurrence and there is no future risk of harm to the child.³³

In addition to specifying what types of behaviors are considered child abuse and neglect, many statutes specify the classes of persons who can be investigated for child abuse and neglect, often limiting it to specific types of persons considered to be caregivers. The variation among the States regarding persons who may be determined to be responsible for abuse and neglect is discussed in the next section.

Types of Perpetrators

In addition to defining child abuse or neglect, State law or written policy often contains specific definitions of persons who can be considered by CPS to be perpetrators of abuse or neglect. Forty-four of 52 States (84.6%) specify which classes of people can be considered perpetrators of abuse or neglect. Persons in caregiving roles are commonly included in the definition of perpetrators. More than one-half of the 44 States that specify the classes in law or policy include parents (88.6%), legal guardians (86.4%), foster parents (70.5%), relatives (68.2%), residential facility/group home staff (65.9%), child care providers (61.4%), and unmarried partners of parents (59.1%). Professionals and others in noncaregiving roles are less likely to be included in the definition of a perpetrator—educational staff/teachers (40.9%), other professions (22.7%), and neighbors or friends (20.5%). (See table 3.)

Twenty-three of 36 States (63.9%) specify which classes of people determined to be perpetrators of child maltreatment may be included on the data repository. More than one-half of the States include parents (82.6%), legal guardians (82.6%), foster parents (78.3%), relatives in a caregiving role (73.9%), unmarried partners of parents (73.9%), residential facility/group home staff (65.2%), and child care providers (65.2%). Fewer States include educational staff/teachers (39.1%), other professionals (21.7%), and neighbors or friends (17.4%). (See table 4.)

It is important to note that, in more than one-quarter of the States, minors in the home are not distinguished from adult perpetrators. In 16 of 44 (36.4%) States, minors are included in the

³² All estimates presented in this paragraph are based on survey responses from 36 States.

³³ In 2009, Forty-four States reported that three-fifths (59.9%) if victims received postresponse services. A victim is a child having a maltreatment disposition of substantiated, indicated, or alternative response victim.

definition of a perpetrator of abuse and neglect. In 8 of 23 States (34.8%), a minor can be designated as a perpetrator on the data repository.³⁴

Due Process Procedures

In the Interim Report, HHS indicated that, if a national child abuse registry were established, “the only feasible way to effectively and efficiently provide due process protections is to require that submitting jurisdictions certify that for cases submitted to the national registry, minimum due process protections were available to the perpetrator.” In determining what due process is required, the private interest of the individual at stake, the risk of erroneous deprivation, and the governmental interest must be weighed. In essence, due process requires that governments provide notice about and an opportunity to be heard before an adverse action is taken against an individual that may impact a private interest. When a person’s name is placed on a registry, the government is taking an action that *potentially* could affect that person’s family life, employment prospects, or his or her reputation in the community. At the same time, this action may further the government’s compelling interest in protecting children from abuse and neglect.³⁵

To date, the courts are not clear on the extent of the due process requirement that must be provided before making information about perpetrators available to others for all of the purposes for which information in a national registry may be used—abuse and neglect investigations, criminal investigations, background checks for prospective foster and adoptive parents, background checks for employment and licensing, background checks for teachers, etc. See appendix D for a discussion on the current status of case law related to child abuse and neglect data registries.

As a condition of receiving CAPTA funds, States must establish provisions, procedures, and mechanisms by which individuals who disagree with an official finding of abuse and neglect can appeal such a finding.³⁶ Following is a discussion of notice and appeal procedures that are currently provided to perpetrators of child abuse and neglect in the States. A brief discussion on whether perpetrators can be designated as such, while their case is under review is also provided.

Notice

In situations in which a report of abuse or neglect has been substantiated, nearly three quarters of the 52 States (71.2%) provide notice in writing to the individual found to be the perpetrator of maltreatment. Fewer States (59.6%) have specific law or written policy requiring notification to individuals regarding their designation on the State data repository.³⁷ Many of these States notify individuals about their designation on the State data repository at the same time they are informed of the substantiation decision.

³⁴ Forty-four out of 52 States have State law or written policy specifying the classes of people who can be determined to be a perpetrator of child abuse and neglect. Data from the questionnaire was supplemented by a review of the law in the 16 States that did not participate in the legal/policy questionnaire. Twenty-three out of 36 States reported that they have State law or written policy specifying the classes of people once found to be maltreatment perpetrators are designated as such on the data repository.

³⁵ More, J. (1995). Charting a Course Between Scylla and Charybdis: Child Abuse Registries and Procedural Due Process. 73 N.C. L. Rev. 2063.

³⁶ The Child Abuse Prevention and Treatment Act as Amended (2010), P.L. 111-320; 42. U.S.C. 5106 (b)(2)(B)(xv)(II).

³⁷ Percentage based on 52 States.

Notice is typically served by certified mail, regular mail, or in person. The information contained in the notification documents varies. More than one-half of the 36 States responding to the survey include the following when notifying individuals of the substantiation decision, or include it in the separate notice regarding the designation on the data repository:

- the fact that the agency has made a determination that the person was found to be a perpetrator (97.2%)
- an explanation of any right to challenge the finding of abuse and neglect (94.4%)
- the specific type of abuse and neglect committed (88.9%)
- the timeframes for any challenges that may be made (88.9%)
- the fact that the person will be designated a child maltreatment perpetrator on the data repository (75.0%)
- the right to challenge being designated a child maltreatment perpetrator on the data repository (61.1%)
- the consequences of being determined to be a perpetrator of abuse and neglect (55.6%)

Review and Appeal of Findings of Abuse and Neglect

Thirty-five of 36 States responding to the survey (97.2%) have law or written policy providing for review of the finding of abuse and neglect. One State indicated that reviews may happen at the local level and they are currently establishing a statewide policy for “due process procedures.” If an individual challenges the State’s finding of abuse and neglect, 26 States (72.2%) require the preponderance of evidence proof or a higher standard of proof at the first level of review. Six States (16.7 %) use a lower standard of proof for the initial review. These standards include some credible evidence, reasonable cause, or material evidence. (See table 5.)

The type of review provided at the first level of review offered to an individual found to be a perpetrator of abuse or neglect varies widely among the States:³⁸

- ten (27.8%) use a review of the written records at a higher level than a caseworker or supervisor
- five (13.9%) give an in-person hearing before an administrative body *within* the agency
- three (8.3%) give an in-person administrative hearing *outside* the agency
- two (5.6%) offer an in-person hearing before a judicial body, judge or magistrate
- fourteen (38.9%) States use some “other” method
- one (2.8%) State does not have a statewide policy

For some States, the type of reviews provided depends on the circumstances of the case. These circumstances can include whether the case is court-involved or whether the perpetrator is a member of a specified class, (e.g. child care worker). In other States, the first level of review is determined by local policy or practice, or by the preference of the perpetrator requesting the review.

³⁸ Percentages based on 36 States responding to the survey.

In nearly three-quarters of the States (72.2%), the length of time by which a first-level review of the investigative finding must be completed is indicated in law or written policy. Of these 26 States, only 10 could provide information about whether they currently had cases exceeding the timeframe. Six States reported that there are currently cases in which the required time for completion has not been met (varying from very few to more than one-quarter of the cases). Four States indicated that there are no cases pending that have exceeded the specified timeframe.

Three-quarters of States (77.8%) indicated that State law or written policy provides for a second level of review of the investigation finding. In more than one-half of these 28 States the second level of review is an administrative hearing, or a hearing conducted before a judicial body or magistrate.

Review and Appeal of Designation on the Data Repository

Three-quarters of the States (75.0%) have law or written policy allowing individuals to challenge the placement of their name on the data repository. The methods by which individuals can initially challenge the placement of their name on the data repository include review of the written documentation for the case at a higher level than a caseworker or supervisor and in-person hearings by an administrative agency inside or outside of the agency. Few States provide an in person hearing in front of a judicial body, judge, or magistrate. The standard of proof required at the first level of review in a majority of the States (61.1%) is a preponderance of the evidence. One State provides for a clear and convincing standard of proof. The remaining States provide for lower standards of proof.

Twenty-three States specify a timeframe for completing the first level of review. The timeframes required range from 10 business days to 180 days. More than one-half the States do not track this information or were unable to provide it. Five States indicated that they currently have cases pending that exceed the required timeframe.³⁹

Timing of Designation

Eighteen of 52 States (34.6%) have law or policy allowing for the designation of a person on the data repository while the first-level review of the maltreatment finding is still being conducted. In 20 of 52 States (38.5%) there is no State law or policy regarding the timing of an individual's designation on the data repository. (See table 6.)

Maintaining Information on Perpetrators

The initial records of child welfare agencies focused largely on children who were removed and placed with private agencies. These records, existing as large ledgers, can still be found in some court systems. The last 40 years have seen a tremendous growth in automated information systems serving child welfare agencies, first primarily as financial systems, and then secondly as client-tracking systems for CPS, foster care, and adoption, often as separate systems. More recent developments over the last 20 years have focused on case-management systems that address the services provided to children and families. These systems identify all persons whether they are children, caregivers, collateral contacts, family members, or perpetrators, and establish relationships between individuals. While persons who are perpetrators might be identified in such systems, with few exceptions, the State data repositories are not primarily

³⁹ Percentages in this and the preceding paragraph are based on all 52 States.

focused on perpetrators. The exceptions are sometimes maintained by other agencies, such as the Attorney General's Office.

The vast majority of data repositories, namely data systems with information on perpetrators, are statewide child welfare information systems (97.2%). In a majority of States, the umbrella social services agency has both technical responsibility and business control of the data repository. In 10 States (27.8%), the stand-alone child welfare agency has technical responsibility and in 12 States (33.3%) a stand-alone child welfare agency has business control. In a few instances, the State department of information technology has technical responsibility. In other words, depending on the State structure for providing child welfare services, in most States, the child welfare agency has lead responsibility for both the technical and business processes related to the data repository but, in some instances, another agency may have technical responsibility. The trend toward enterprise systems in many States may influence this finding in the future, with increased centralization across departments of major information systems. (See tables 7 and 8.)

In a quarter of the States (25.0%), the data repository includes data collected by Native American or Alaska Native tribes within the State. Five States (13.9%) include information from some tribes. Twelve States (33.3%) do not have tribal governments or jurisdictions in their States. The issue related to collecting and maintaining data on perpetrators who may exist only in tribal information systems may be an issue that should be discussed during the design phase of a national registry. (See table 9.)

2.3 DISCUSSION

One can debate whether the variations in definitions of abuse and neglect among the States will pose significant issues for the implementation of a national registry. All States include the broad categories of child abuse and neglect in State law. Major variations among the States include whether or not they (1) include the failure to educate a child in the definition of neglect; (2) require evidence of actual harm to the child in their definition of physical abuse; (3) whether psychological abuse is included in the definition; and (4) what additional specificity could be collected in terms of types of maltreatment, including lack of supervision and medical neglect. While such differences will continue to be of some concern, States are already familiar with differences among jurisdictions and are already using such information even if definitions vary from their own. The issue of how to interpret such information will exist regardless of whether a national registry is created or not.

Most States, but not all, have law or written policy that defines the classes of individuals who can be investigated by CPS agencies and listed in State data repositories. Of the States that have law or policy, most include persons responsible for a child's care and protection—parents, unmarried partners of parents, legal guardians, foster parents, other relatives in a caregiving role, child daycare providers, and residential/group home staff. For purposes of a national registry, it is clear that these classes could easily be included. However, some States statutory schemes include adults in a noncaregiving role, including teachers, neighbors, and other professionals. Some States also include minors in the home. States already adjust for such differences when using inter-State information. Nevertheless the design of a national registry may need to determine whether a common minimum set of classes of perpetrators would be defined and

maintained on a national registry, or whether the national registry will accept any class of person who is determined by a State to be a perpetrator, with only specific exclusions, such as minors.

Since more than one-quarter of the States use terminology other than “substantiated” for defining the outcomes of CPS investigations, the design of a national registry must interpret and explicitly specify what State terms are equivalent to substantiation. The Adam Walsh Act specifies that only “substantiated” cases would be included on a national repository, but the legislation cannot in itself be considered a complete design of any possible national registry.

Most States have used the preponderance of the evidence standard for a finding of abuse and neglect. Court decisions in a number of States have indicated that, whenever a protected interest is at stake,⁴⁰ the following minimal due process protections should be provided:

- use of the “preponderance of the evidence” in determining that the individual committed the alleged act of abuse or neglect before his or her name is placed on, and information disseminated from, the data repository
- notification that that an individual’s name will be placed on a data repository prior to placement
- an opportunity to challenge, at some kind of hearing, the decision to place an individual’s name on the data repository, either before placement and dissemination of the information occurs or shortly after placement of the information on the data repository has taken place

It is unclear at this time whether one consequence of the establishment of a national registry might be the promotion of a further review of State standards of evidence and a movement towards increased use of preponderance of evidence or clear and convincing evidence by more States. This might occur due to the following arguments that can be made:

- The probability that some individuals may be falsely identified as maltreatment perpetrators and listed on the national registry may increase with a lower standard of proof.
- Court cases have varied on the standard needed for designating a person as a perpetrator on a data repository. Many court cases have held that due process requires at least a “preponderance of the evidence” standard be used for substantiating a finding of abuse and neglect before an individual’s name can be placed on a State data repository. Others, however, have indicated that the lower standard of “credible evidence” can be used with certain conditions.

If the design of a national registry undertakes to provide more specific definitions of the conditions under which persons would be listed in the registry, States may need to consider

⁴⁰ Case law is well settled on the test to determine what constitutes a “protected interest” within the context of state data repositories. A protected interest is at stake if the affected person can show his or her reputation was injured (or stigmatized) as well as some real injury from either being placed on the repository or losing something to which he or she was legally entitled. *See, e.g. Valmonte v. Bane*, 18 F.3d 992 (2d Cir. 1994).

changes to the standard of proof required for a substantiation of child maltreatment, changes in notice requirements, and potentially changes in the review process of challenges to findings of abuse and neglect. Minimum due process requirements may also mean that existing records in State data repositories not meeting that minimum could not be submitted to a national registry.

In summary, each State investigates child abuse and neglect, makes determinations as to which children are victims of abuse and neglect or at risk of abuse and neglect, and classifies individuals as perpetrators. Thus in theory, all States have acceptable data for a national registry. If all States participated, the names of several hundred thousands of individuals would be added each year to such a registry, and could have far reaching impact upon CPS practice itself.

The next chapter examines in more detail the ability of States to provide data to a registry.

CHAPTER 3. PROVIDING DATA ABOUT PERPETRATORS TO A NATIONAL REGISTRY

In order for a national registry to exist, it will be necessary for States to provide the requested data in a timely and accurate manner. This study examined what data States currently provide on an individual request basis, whether States have the capacity to provide data to a national registry, what data they would provide, and how accurate and timely their submissions would be to a national registry. Issues related to the timely expunging of data and its implications for maintaining a national registry are also identified. The study further asked about the willingness of States to provide data to a registry.

3.1 CURRENT LAW, POLICY AND PRACTICE RELATED TO PROVIDING DATA

All States have policies and practices in place to respond to inquiries about whether an individual had been found to have been a perpetrator of abuse or neglect. This is currently conducted on a request-by-request basis.

Policy and Legal Issues

From a policy perspective, the provision of data to a national registry is more likely to depend upon the purpose of the registry than the capacity to provide data. This is because State legislation often governs to whom data may be released. While the creation of a national registry could limit who could gain access to information, the initial access could not be controlled by each State. The release of additional data could be determined by each State, once the State was contacted by an agency. Thus, whether a State may provide data to a national registry may hinge on current law as to who may receive data from a data repository and what data they may receive.

The Adam Walsh Act requires that a national registry of child abuse “shall only be accessible to any Federal, State, Indian Tribe or local government entity, or any agent of such entities, that has a need for such information in order to carry out its responsibilities to protect children from abuse or neglect.”⁴¹ Findings regarding the persons to whom and purposes for which data on perpetrators may currently be provided are described below.

The law or policy governing the release of information on perpetrators varies from State to State. All but one State indicated that they have State law or written policy that allows out-of-State entities to access information on their data repository. A majority of States provide access to individuals from child welfare agencies and law enforcement personnel. About one-third of the States (30.8%) provide access to employers of child care personnel. (See table 10.) Fewer States provide access to persons employing people who provide care or services to children (other than child care), schools, and citizen review boards. Two-thirds of the States (65.4%) have additional

⁴¹ P.L. 109-248, 42 U.S.C. § 16990 (e). CAPTA requires that states have “provisions to require a State to disclose confidential information to “Federal, State, or local government entities... that has a need for such information to carry out its responsibilities under the law to protect children from child abuse and neglect (emphasis added).” 42. U.S.C. 1502 (b) (2) (B) (ix).

categories of persons to whom they will release data, including employers of health care professionals, grand juries, courts, physicians who have identified a child as suspected to have been abused or neglected, and child fatality review boards. There is considerable variation in terminology about additional classes of persons who may receive data on perpetrators.

Almost all States (96.2%) have law or written policy that specifies the purposes for which information may be released from the data repository.⁴² A majority of States will release information under the following circumstances: as part of an abuse and neglect investigation; a background check to become a foster or adoptive parent; or a background check for employment or licensing in child care or other direct child services. Additionally, States will release the information for other purposes with the consent of the maltreatment perpetrator. Ten out of 36 States (27.8%) have laws or written policies that would prohibit the State from providing information to a national registry. An additional 16 States (44.4%) are not clear about this issue. No State reported that it would be prohibited from obtaining information from a national registry. (See table 11.)

Practice Issues

Child protective services (CPS) agencies also have practices that determine how much data they currently release upon a request for information. When responding to an inquiry, nearly two-thirds will provide the type of maltreatment that was substantiated (61.1%), and more than one-half of the States (58.3%) will provide the recorded name of the perpetrator and the date of the incident. (See table 12.) Between one-third and one-half of States will also provide the following perpetrator information:

- alternative names (36.1%)
- date of birth or age (41.7%)
- relationship to victim (36.1%)
- gender (33.3%)
- social security number (33.3%)
- dates of dispositions (33.3%)

States will also provide information on child victims, but with somewhat less consistency. In addition, no specific piece of information was provided by more than one-half of the States. Between a one-third and one-half of the States will provide the following information:⁴³

- date of incident (48.6%)
- type of maltreatment (45.7%)
- relationship of perpetrator to victim(s) (40.0%)

When determining what information to provide to other States about child maltreatment perpetrators, some respondents reported that it depends on the purpose of the request and who is making the request. Some State-specific examples include:

⁴² Percentage is based on 52 States.

⁴³ Percentages are based on 35 States with valid survey responses.

- the requesting State may only be informed about whether the person is on the data repository as a perpetrator for those screening foster care providers
- some States will provide information only if the case involves another investigation of child abuse or neglect
- some States will provide only responses such as “founded” or “not founded,” regardless of the purpose, without any additional information

States will provide much less data on child victims. Six States (16.7%) will not provide information about child victims unless it has been confirmed that the request applies to an ongoing investigation of child abuse or neglect. Eight States (22.2%) reported that they do not provide data on child victims or do not keep the information in the central CPS agency. Three States (8.3%) will refer the request to a local CPS agency.

Once a request has been made from another State, more than three-quarters of States (77.8%) reported that they verify the identity or credentials of the requesting entity. More than one-half of the States (58.3%) require all requests to be mailed or faxed on official agency letterhead. Some States employ a complex verification process. For example, one agency stated that “verification can usually be obtained by checking an official telephone listing or checking with a third party at the business office at the requestor’s reported place of employment. When in doubt of the requestor’s identity or authority to receive such information, staff is required to deny the telephone request and instruct the requestor to send a notarized written request.” Five States (13.9%) reported that they do not ask for verification.

In general, most States (77.8%) do not charge other States for providing information in response to inquiries. Of those who do charge, the costs range from \$10 to \$49 or may vary according to the type of inquiry.⁴⁴

3.2 EXPUNGEMENT OF DATA

Although States have the potential for submitting data to a national registry, the issue of how often they expunge data would have an impact upon the design and maintenance of the system.

The term “expungement” refers to the procedures used by States to maintain and update their child abuse and neglect data repositories by removing old or inaccurate records.⁴⁵ As a condition for receiving funding under the Child Abuse Prevention and Treatment Act of 1974 (CAPTA), States must submit plans that include provisions and procedures for the prompt removal of records of unsubstantiated or false cases of child abuse and neglect if the records are accessible to the general public or are used for purposes of employment or other background checks.⁴⁶ CPS agencies, however, can maintain information on persons who were associated with unsubstantiated reports or who successfully appealed their designation as a perpetrator to assist

⁴⁴ Percentages in the prior three paragraphs are based on 36 States responding to the survey.

⁴⁵ Child Welfare Information Gateway (2008). *Review and Expunction of Child Registry and Reporting Records: Summary of State Laws*. Available from, www.childwelfare.gov/systemwide/laws_policies/statutes/registry.cfm

⁴⁶ The Child Abuse Prevention and Treatment Act, as Amended (2010), P/L/ 111-320; 42 U.S.C 5101 et. seq.

in future risk and safety assessments.⁴⁷

Forty-three of 52 States (82.7%) have law or policy that specifies the conditions under which a child maltreatment perpetrator's information can be expunged from the data repository. The remaining nine States (17.3%) do not have law or policy that specifies conditions of expungement. (See table 13.)

More than one-half of State policies or laws (53.5%) provide for expungement following a successful appeal of the substantiation decision or the designation on the data repository. About one-third of the States (34.9 %) provide for expungement after a certain amount of time has elapsed since the individual was determined to be a perpetrator, ranging from 5 to more than 20 years. Some States allow for expungement when the youngest child victim attains a specific age, ranging from 18 to 28 years of age. A few States would expunge a record if they are notified that the perpetrator has died. Other conditions for expungement include the identification of a data-entry error, a court order, or a settlement agreement. (See tables 14 and 15.)

3.3 FUTURE CAPACITY

With the implementation of a national registry, States would still be responsible for providing any additional information that was requested beyond what was in the registry. Once the data were provided to the national registry, within the parameters of limiting access to the national registry, any information provided would be available to every inquirer.

The current discussion of a national registry limits the specific data elements that would be provided by the State to name, type of maltreatment, and State. All States are able to provide additional information, which would be necessary to adequately support the identification of perpetrators.

Technical Capacity

The majority of States (80.6%) have data in their repositories going back 10 years or more. In over two-thirds of the States (69.4%), the repositories contain information on all child maltreatment perpetrators regardless of legal action. More than one-half (52.8%) contain information on alleged perpetrators. Fewer States limit the repositories to perpetrators who have been convicted of civil offenses or perpetrators who have been convicted of criminal offenses. One State includes only perpetrators who are parents or adults acting in loco parentis. (See tables 16 and 17.)

In State data repositories, which are synonymous with child welfare information systems, case-level and perpetrator-level data are extensive. Data are more restricted in repositories limited solely to perpetrators. Such repositories may contain only minimal child-victim data.

All States recognize that there may be issues related to the comprehensiveness and accuracy of the data on perpetrators. Eighty percent responded that all, nearly all, or most perpetrators were

⁴⁷ The Child Abuse Prevention and Treatment Act, as Amended (2010), P.L. 111-320; 42 U.S.C 5106a(b)(2)(A)(xii).

on the State data repository. While only one-third (36.1%) thought that perpetrator data were *very* comprehensive and accurate, an additional 41.7 percent thought that the data were somewhat comprehensive and accurate. Thus three-quarters of the respondents were ready to vouch for the accuracy of the data.

When asked about all data on perpetrators, one-fifth thought that less than 5 percent of data were missing; another one-fifth thought that approximately 5–9 percent of data were missing. Thus missing data do not appear to be a problem.⁴⁸

Of the most likely key information that could be requested, more than two-thirds of the States indicated that the following perpetrator data were available from the automated information system: (See table 18.)

- name of perpetrator (97.2%)
- date of birth or age (94.4%)
- type(s) of substantiated maltreatment (94.4%)
- sex/gender (91.7%)
- race and ethnicity (91.7%)
- date(s) of disposition(s) (88.9%)
- relationship to child victim(s) (91.7%)
- last known address (80.6%)
- alternative names (72.2%)

The capacity of State information systems to submit data to a national registry mirrors the information that States are providing to inquirers, indicating that the State information systems would be the likely source of data to a national registry.

If a national registry restricted the classes of perpetrators who would be included in a national registry, all States might need to build routines that would exclude certain perpetrators from being included in the information sent to a national registry. Three-quarters (77.8%) said that they would be able to extract data on those perpetrators who had been notified under State law or policy, and two-thirds (66.7%) said that they could extract data on those whose findings were not under appeal or review.⁴⁹

States varied in the frequency of reporting that they would find feasible. Approximately one-third (30.6%) responded that they could provide data as often as requested. More than a quarter of the States (27.8%) responded they would provide data once a year. More than a quarter (26.8%) could provide the data twice a year. In general, States had the technical capacity to provide the data, either duplicated or unduplicated, and for multiple years or for current reporting periods.⁵⁰

⁴⁸ Percentages in the prior two paragraphs are based on 36 States responding to the survey.

⁴⁹ Percentages in the prior paragraph are based on 52 States.

⁵⁰ Percentages in this paragraph are based on 36 States responding to the survey.

3.4 DISCUSSION

Since States vary as to whether they specifically inform persons that they will be included on a data repository as a perpetrator, they may need to consider this issue when participating in a national registry. Currently almost one-half the States would allow individuals to be added to the data repository while the first level review of the maltreatment finding or their inclusion on the repository is being conducted. Twenty-five percent do not allow individuals to be designated on the data repository during the appeal of the designation.

The issue of purpose may influence the interpretation of whether a State should provide data to a national registry, when it cannot control the use of the data that is available. While one can envision that a national system could instill security measures to limit access to a system, it is at the present time almost impossible to envision how the use of the data could also be controlled. For example, if a State wished that data could not be used for employment checks, it could not control a certified agency that had access to the national registry from using data in that manner.

It appears that there will be more legal barriers to the provision of the information if access will be provided to those conducting employment screening of professionals not providing direct early child care services, such as teachers and other professionals. In almost one-half of the States, there may be legal barriers to providing the information that might be used for a criminal investigation.

The considerations regarding provision of information to a national registry hinge, in large part, upon the parameters for access to the national registry. Given current restrictions under State law and policy, as well as variations in practice, clear guidelines on restrictions of access and the process by which legitimate access could be enforced are critical to the willingness of States to provide data to a national registry. Limiting access to certain types of persons and for certain purposes appears to be the area of greatest concern to the States. This has significant implications for the design of a national registry since not only would categories of inquirers and reasons for inquiry be specified, but it would be necessary to address means of confirming the legitimacy of the person making any inquiry prior to States being comfortable with providing data. Recognizing this issue, a number of States reported that they could not determine the benefits of such a system without having additional detailed design specifications.

Most States reported that they anticipated that such a national registry would generate additional inquiries if the requestor found a match to the name being searched. Therefore, existing restrictions on the extent of information, which can be provided, are unlikely to be an inhibitor to providing data to a national registry, since States could still control the provision of such additional information. Indeed, given some areas of commonality, if access is limited, States may be willing to provide more data than solely the name of the perpetrator and types of maltreatments perpetrated.

While expungement appears to be relatively infrequent, nevertheless the participation in a national registry might include not only providing data to a registry but also deleting on a timely basis records that have been expunged from the State repository. This is a serious challenge to maintaining a national registry given that placing the name of a person incorrectly on a national

registry might have serious consequences. Almost all States formally recognize the need to expunge data if an appeal is successful. This would pose an additional challenge if a case were successfully appealed after it was uploaded to a national registry or if the State routinely were to upload data on perpetrators regardless of appeal status. The design and implementation of a national registry may require some consistency of processes among all States, at least in terms of which perpetrators would be included on a national registry and how often the data would be updated, including expunged records.

Clearly a number of States, and perhaps all States, will have to review their own laws prior to providing data to a national registry. Over 70 percent of the States indicated that existing State law would or may prohibit it from providing data to a national registry. In some instances, it may be necessary for State laws to be revised, depending upon the parameters of a national registry, before a State could provide such data.

Nevertheless, if the parameters of the national registry were clear and the requirements for submitting data reasonable, States have the technical capacity to participate. They would, however, face specific and important challenges to supplying data to a national registry, if the access and use of the data were to exceed the provisions of their State laws.

In the next chapter we discuss the return on investment for supplying data in terms of what might be the benefits and challenges facing States who would use the national registry for inquiring about past perpetrator status.

CHAPTER 4. INQUIRING ABOUT PERPETRATORS FROM A NATIONAL REGISTRY

Given Federal mandates for conducting child abuse and neglect checks on prospective foster and adoptive parents and the ongoing concerns of preventing access to children by perpetrators of maltreatment, it is clear that States will continue to conduct cross-State inquiries. This chapter discusses the current practices and policies regarding States inquiries into histories of abuse and neglect. The perspectives of the States in terms of future efficiencies, potential benefits, and challenges of being able to retrieve data are also discussed. The chapter also estimates the number and percent of perpetrators substantiated for child maltreatment in multiple states, and explains how benefits could accrue from both matches and non matches to registry inquiries.

4.1 CURRENT PRACTICES FOR REQUESTING DATA

All States make out-of-State inquiries about adults having child abuse and neglect perpetrator records. The primary reasons that States specify for making inquiries include that a person is under investigation for child abuse (with 88.9% of States reporting this as a reason inquiries are made) and a person has applied to be a foster parent or adoptive parent (86.1%). Inquiries are also made if a person has been found to have abused or neglected a child (72.2%); the person has applied to be a child welfare worker or staff for a licensed provider (63.9%); and in cases of removal of a child from their own home (55.6%).⁵¹

In general, requests for information are made directly by local child welfare offices (86.1%), although it is not uncommon for central office child welfare staff to make inquiries (58.3%).⁵² Inquiries are made by telephone, paper, and electronically. In addition to consulting specific States, some jurisdictions (32.4%) may also check national criminal databases such as the National Crime Information Center (NCIC) database. In deciding what States it would be useful to contact, States rely primarily upon the person of interest to disclose where he or she has lived (86.1%). (See table 19.)

Although States are aware of differences in the classification of maltreatment types, and in the standards of proof used to substantiate maltreatment, only a few actually report inquiring about these issues when requesting information from other States. This may indicate a certain degree of knowledge about the policies of States they frequently contact, but it may also indicate that when confirming prior perpetrator status, States are not that concerned about such differences.

⁵¹ Percentages in this paragraph are based on 36 States responding to the survey.

⁵² These percentages are based on 36 States responding to the survey.

4.2 FUTURE PROCESSES, BENEFITS, AND BARRIERS

Many States were not able to estimate the number of interstate inquiries that are made, since these are not tracked; however, the number of inquiries in a year could be large. (See table 20.) If there are an estimated 500,000 or more individuals who are found to be perpetrators each year, and one-half of these concern at least one out of State inquiry, more than 200,000 inquiries would be made a year, not including those involving applications to be foster parents, adoptive parents, child welfare workers, private agency workers, and other persons working with or caring for children.⁵³

The Adam Walsh Act specifies that the national registry is to be used by “any Federal, State, Indian Tribe or local government entity, or any agent of such entities, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse or neglect.” If this provision is interpreted to cover prospective foster care and adoption applicants and employment checks, the number of inquiries could conceivably reach a million or more per year.

The most commonly mentioned (71.4%) potential benefit of a national registry reported was “saving time” since a single search could provide information from all States. More than one-half (54.3%) of the States mentioned specifically that a single source of information would be useful. The second most commonly stated (60.0%) potential benefit was improving the safety of children due to the additional information it might provide during an investigation or while considering a placement decision. More than one-half of the States (51.4%) mentioned that cross-State information would be more accessible, while none mentioned that within-State information would be more available. It therefore can be assumed that States would plan to use the national registry only for out-of-State inquiries. One-third of the States (34.3%) mentioned that a national registry would be useful for conducting or confirming checks of potential foster care or adoptive parents; a few mentioned other checks on adults would be also be facilitated. Nearly one-fifth (17.1%) mentioned that a national registry could result in cost savings since some States have service charges for responding to information requests, whereas a national registry would presumably be free of charge. Several States mentioned that they would not be dependent upon the veracity of the individual applicant in identifying States to contact, since a single search could address possible matches from all participating States. (See table 21.)

A few States made explicit conditions under which such benefits would occur, including mentioning that most or all States would have to participate in providing data to the registry, and that timeliness of data and its accuracy were extremely important. Without comprehensiveness, timeliness, and accuracy, the benefits of a national registry would not be realized. The two States that did not identify any potential benefits, as well as several other States, mentioned that, without a clear understanding of the scope and parameters of a national registry, they could not weigh the potential benefits against potential problems.

⁵³ U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, Children’s Bureau.. *Child Maltreatment* (2009). Available from <http://www.acf.hhs.gov/programs/cb/pubs/cm09/>.

All responding States, except one, identified barriers to using a national registry. A primary concern of nearly one-half (61.1%) of the responding States were inconsistencies and differences in types of maltreatment, levels of evidence, due process procedures, and expungement practices. (See table 22.) These issues also led them to be concerned about the challenges in maintaining the data and the risks of it being out of date or inaccurate (47.2%), as well as the risk of legal challenges (25.0%). While these concerns most directly impact the provision of data to a national registry, they might also impact utilization of a national registry. Certainly, States will want to obtain more information from other States once they identify a person on the national registry as being a likely match to the person of interest, in order to reduce the number of false positives that would occur. Given current practices of contacting locations directly, this would not necessarily be any additional burden.

One-quarter of the States (25.0%) indicated that the limited amount of information a national registry could offer under current law would be a barrier to its utility. (See table 22.) The Adam Walsh Act limits the case-specific information that can be included in the registry to the perpetrator's name and the nature of the substantiated maltreatment. This limitation was recognized by the States as inadequate to identify perpetrators using the system. Additional identifying information such as date of birth would be necessary to perform useful matches.

4.3 PREVALENCE OF INTERSTATE STATE PERPETRATORS

A critical question regarding the expected utility of a national registry is the number of interstate perpetrators that might be expected each year. As the Interim Report to Congress pointed out, no such estimates had been established, and what information did exist was anecdotal.⁵⁴ To fill this gap, national estimates of interstate perpetrators were developed. This examination of prevalence also examined the seriousness of maltreatment by in-state and interstate perpetrators. Estimates of the proportion of interstate perpetrators identified in geographically adjacent States were also produced.

Methodology Summary

Twenty-two States contributed data for the prevalence study by contributing encoded names, first initial, and date of birth information for all substantiated adult perpetrators from 2005-2009. (See table 1.) These data were appended to individual records from the National Child Abuse and Neglect Data System (NCANDS), which includes additional perpetrator characteristics, victim information, and information on type of maltreatment. (See appendices B and C for more details on the prevalence study.)

Using data for those 22 States, data were compared from 2009 records from each State to records for all other participating States from 2005-2009.⁵⁵ The goal was to estimate the number of interstate perpetrators that would be identified by States in a given year through a national registry. The 5-year time period was assumed to be adequate for identifying most interstate

⁵⁴ Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services. (2009) Interim Report to the Congress on the Feasibility of a National Child Abuse Registry. Page 15.

⁵⁵ In cases in which matches were made in the same year (2009), interstate matches were counted only when the date of report preceded that of the record from the inquiring State.

perpetrators that would be found through a national registry, though many State registries maintain records for longer than 5 years. Several matching algorithms were explored, and an optimal algorithm was identified (see more detailed discussion below).

Estimates of the number of matches for each participating State were adjusted upward to account for matches that would have come from nonparticipating States, using interstate migration data from the 2000 Census.⁵⁶ To create estimates for nonparticipating States, Census-based interstate migration rates were applied to aggregate data on the total number of substantiated child maltreatment perpetrators in 2009.⁵⁷

The Matching Process

The Adam Walsh Act limits the case-specific content of a national registry to the name of the perpetrator and the type of substantiated maltreatment. In order to explore the capability of such a registry to identify interstate perpetrators, matches were carried out using an encoded last name and first initial only. Encoded names were used in this exercise for two reasons. First, it allowed participating States to supply name information without breaching confidentiality restrictions. Limiting first name information to first initial was done for the same reason. Second, the encoding allowed for matching names with different though similar spellings. It is a common practice in record matching, and it is likely that a national registry would use a similar technique in order to capture minor variations in spelling that inevitably occur in such records.

The results of the matching process show that 88.6 percent of all records in 2009 found a match in one or more States for the previous 5 years. Of those that did match, 85.1 percent found matches in three or more States. This is an overestimate of matches due to the use of only the encoded last name and first initial since many names are similar or the same. Therefore, using the encoded last name and first initial only is inadequate as a matching algorithm for purposes of developing national estimates. If complete names are used on a national registry it would substantially reduce the percentage of matches; however, it is very likely that even full names would result in too many matches to be of practical use to States. (See tables 23 and 24.)

By adding sex and date of birth to the matching algorithm, the number of matches was reduced dramatically to 2,022 across the 22 participating States, representing 0.7 percent of all substantiated perpetrators in 2009. Of those 2,022 matches, only 44 included matches in more than one State, and only 345 matched more than two other records. (See table 25.) Across the 22 States, matching rates were fairly consistent, ranging from 0.6 percent in California to 2.0 percent in Nevada and Wyoming. These rates are highly likely to be lower than would be found if data for all States were available. Adjustments to account for those missing States would roughly double the matches from 0.7 percent to 1.5 percent.

While there is no way to confirm the accuracy of this estimate, it is reasonable given what is known about revictimization and perpetration rates over similar time periods. If one assumes that about 16.7 percent of all substantiated perpetrators will reoffend within 5 years, and that

⁵⁶ Interstate migration estimates were not yet available for the 2010 Census.

⁵⁷ For several States that did not have aggregate estimates for 2009, 2010 or 2008 data was used, when available. For details, see methodology chapter in this report.

they move between States at a rate similar to the general population in 2000 (8.9 percent), then one might expect an interstate match rate of about 1.5 percent.^{58,59,60}

National Estimates of Interstate Child Maltreatment Perpetrators

As noted in the preceding section, a reasonable formula or algorithm for matching perpetrator records across States was developed using encoded last name, first initial, sex, and date of birth of the perpetrator.⁶¹ Using this approach to matching records, State and national estimates for interstate child maltreatment perpetrators were produced based on a model that combines this prevalence study data with Census interstate migration data.

The modeling exercise is complex, involving four steps. First, the number of matches for each State participating in the prevalence study was estimated relative to other participating States. Second, these estimates were adjusted upward to account for perpetrators from nonparticipating States using 2000 Census data, based on the percentage of all interstate in-migrants in each State who were from States that did not participate in the prevalence study.

The results of this second step represent complete estimates of the number of interstate perpetrators in each of the 22 States that participated in the prevalence study. With this adjustment, the total number increased from 2,022 to 4,216. The number of interstate perpetrators varied considerably by State, from highs of 785 (New York), 712 (Texas), and 572 (California), to as few as 15 (Wyoming) and 16 (New Hampshire). (See table 26.)

The third step provided estimates of interstate perpetrators for the 29 States that did not provide data for the prevalence study. The estimates used the aggregate number of substantiated perpetrators for 2009, and multiplied that by an estimated interstate perpetration rate that had been constructed for each State based on an average rate derived from the participating States, and adjusted using Census interstate migration rates particular to that State.

Fourth, adding all of the State-specific estimates together yielded a national estimate of 7,852 interstate perpetrators for 2009. Based on a total of 512,790 unique perpetrators in the U.S. in 2009, interstate perpetrators represented 1.5 percent of all substantiated perpetrators.⁶²

An important caveat to these estimates is the fact that there are undoubtedly false positives resulting from the matching algorithm, which, all else being equal will result in an over-estimate of the national incidence of interstate perpetrators. While there is no direct way to test this, it is

⁵⁸ This is based on a finding that 16.7 percent of child victims of maltreatment had been revictimized within 5 years. Cited in U.S. Department of Health and Human Services, Office of the Administrative Secretary for Planning and Evaluation. (2009). *Interim Report to the Congress on the Feasibility of a National Child Abuse Registry*. Washington, D.C. p. 16.

⁵⁹ Molloy, R., Smith, C., Wozniak, A. (2011). *Internal Migration in the United States*. Table 1. Finance and Economic Discussion Series, Divisions of Research and Statistics and Monetary Affairs, Federal Reserve Board, Washington, D.C. paper 2011–30.

⁶⁰ $0.167 * 0.089 = 0.0149$ or 1.5 percent.

⁶¹ Only 2.1 percent all of perpetrator records were missing one or more of these measures, so missing data is expected to have a minimal effect on the final estimates.

⁶² Estimate from U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, Children's Bureau. (2010). *Child Maltreatment 2009*, page 69.

possible to examine what happened to the number of interstate matches when the requirement that the birth date of at least one child in the case records match was added. When this was done, only 27 percent of the matches used to create the national estimates matched. There are many reasons why a true match might be lost with this additional requirement including inaccurate date of birth information, and the fact that fewer than one-half of all States include all children living in the household in their records as a regular practice. Still, this finding suggests that the actual number of interstate perpetrators at the national level may be less than the 7,852 estimated here, though there is no way to know how much less.

Adjacency

Most States already have working relationships with the child welfare agencies in their neighboring States. If a large proportion of matches come from only a few neighboring States the burden on States to make such inquiries may not be very great. To explore this issue, the small number of participating States in the prevalence study that include adjacent States also in the study and contributing at least 75 percent of their overall interstate migration flow were examined. These included California, Texas, Louisiana, Maine, and Arizona.

For these States, the percentage of all interstate perpetrators from neighboring States was estimated as follows: Louisiana (40%), Arizona (35.8%), Texas (15.4%), California (12.4%), and Maine (9.5%). To the extent that there are false positive matches in the estimates, these percentages may be underestimated, since false matches are likely to be spread more evenly across the country. Even taking this into account, however, it seems likely that, for most States, a majority of interstate perpetrators do not come from adjacent States, though clearly there are important differences across States.

Instate and Interstate Perpetrator Comparisons

If interstate perpetrators engage in more serious forms of abuse and neglect, this would provide additional evidence of the utility of a national registry, since it would be identifying more serious cases. To examine this issue, the study compared instate and interstate perpetrators on four outcomes—type of child maltreatment, whether one or more children was removed from the home, whether there were any court petitions, and any child fatalities—all for 2009. Analyses used the same data file that was used to create the national estimates, the prevalence data file.

For type of maltreatment, the typology used for establishing seriousness was least serious to most serious as follows: neglect, medical neglect, emotional maltreatment, physical abuse, and sexual abuse. Each perpetrator was assigned a single value representing the most serious form of abuse or neglect for which he or she was substantiated. The results show very similar patterns across the two groups, with nearly two-thirds (64.7 percent) in each group substantiated for neglect. Chi square analyses indicate no significant difference in type of maltreatment between instate and interstate perpetrators. (See table 27.)

Examining whether a child was removed from the home for 24 hours or more, however, resulted in different results. Thirty percent of interstate perpetrators included a child removed from the home in their current State of residence compared to just more than 20 percent among instate perpetrators. This difference is statistically significant at the .001 level. (See table 28.) Similar results were observed for court involvement, with rates of 28 percent for interstate perpetrators

and about 19 percent for intrastate perpetrators. (See table 29.) Finally, interstate perpetrators do not appear any more likely to be associated with a child death than intrastate perpetrators, though the small number of child deaths associated with interstate perpetrators, 4, was too few to support any tests of statistical significance. (See table 30.)

Clearly, interstate perpetrator cases are more serious in that children are more likely to be removed from the home. To some extent this is expected, since interstate perpetrators have by definition been substantiated as perpetrators at least two times, while instate perpetrators may or may not have had prior substantiations. While they may represent more serious cases, they do not appear to be more likely to be sexual predators or to exhibit different overall patterns of maltreatment.

4.4 DISCUSSION

States identified a number of potential benefits of a national registry including better and faster access to perpetrator records in other States; less reliance on alleged perpetrators to identify former States of residence; access to more information; possible savings in staff time and resources; and enhanced safety for children resulting from all of these factors.

National estimates developed for this report indicate that there are fewer than 8,000 interstate perpetrators in any given year, and possibly less. That does not imply that there will be only 8,000 positive results from among the many (possibly millions) of inquiries made to a national registry, however. After all, the most common use is likely to be during maltreatment investigations before substantiation has been made, which would also identify those who were substantiated in other States but not in the current State (at least not at that moment). If the national registry were allowed to be used for foster care applications and certain employment background checks, the number of positive results from a national registry would be even larger. The expected utility of a national registry will certainly vary according to who may have access and for what purposes.

Of equal and possibly greater importance for determining the utility of a national registry is its potential to save staff time and resources resulting from the speed and efficiency of making all interstate inquiries, the vast majority of which will not find a match. If the registry data and its matching procedures are seen as reliable, so that States can accept a negative finding without further inquiry, substantial savings may result. Child safety may also be enhanced as it could speed up the processing of open maltreatment cases.

Both the State surveys and the prevalence analyses uncovered a number of important concerns that will have to be considered in determining the feasibility of a national registry capable of providing the anticipated benefits described above. States were clear that the utility of the national registry will depend on its comprehensiveness, which will require the participation of most or all States. How this can be accomplished within a voluntary framework and in the absence of funds to support data submission will have to be addressed. Further, the prevalence analyses indicated that small States may only find a handful of matches in a given year from a national registry. If the effort required of these States to supply data to the registry is more than

nominal, the work to reward ratio may not be large enough to justify participation for such States. States were also concerned about the accuracy and timeliness of the data on a national registry, indicating that both would be required at a high level to make it a useful tool.

A number of States recognized, and the prevalence study confirmed, that a national registry that is limited to name and type of maltreatment will not be useful to States. Minimally, additional information such as date of birth, sex, and possibly other identifying information will need to be added to support a reliable matching process, though in all probability results would still need to be confirmed by following up with individual States to weed out false positives. The addition of social security number would further increase the accuracy of the matches, though States may be reluctant to supply such information and the collection of such information in a federal registry would need to be authorized explicitly in statute.

When asked whether the benefits are likely to outweigh the problems associated with participating in a national registry, a few States reported that they did not know. Comments from those who did not know indicated that the answer will depend on how well the above-described concerns are addressed in the design and implementation of a national registry.

Based on the findings discussed in this chapter, the following should be considered essential features of a national registry of child maltreatment perpetrators:

- comprehensiveness, timeliness, and accuracy
- capacity to produce a reasonably accurate matches that can be confirmed with individual States
- direct access by local child welfare staff, who make most out-of-State inquiries
- easy access to up-to-date summaries of State practices regarding due process procedures, levels of evidence, and expungement practices

CHAPTER 5. CONCLUSIONS

The findings from this study fill many of the information gaps identified by the Interim Report. The findings also identify issues that will be important in considering the design and implementation of a future national registry.

5.1 PREVALENCE OF INTERSTATE PERPETRATORS

Results from the prevalence study indicate that up to 1.5 percent (fewer than 8,000) of all substantiated perpetrators in a given year also have been substantiated as perpetrators in other States during the previous 5 years. The percentage differs somewhat from State to State, due in part to fact that some have far more in-migration from other States. Interstate perpetrators did represent somewhat more serious cases in that they were more likely to have had a child removed from the household in their current State of residence, though they were not significantly different from in-State perpetrators in terms of the type of maltreatment.

A national registry would, of course, be used for more than identifying substantiated perpetrators who also had substantiated records of maltreatment in other States. The most common use would undoubtedly be checking for prior substantiations for suspected perpetrators in active maltreatment investigations. Other common occasions for perpetrator information requests to other States include prospective foster and adoptive parent background checks and employment checks for persons working with children, such as childcare. All of these uses would generate far more matches than the national prevalence estimates generated for this report, though precisely how many more is unknown.

While the absolute numbers of persons who would be identified through a national registry may be relatively modest regardless of how it is used, the numbers are not trivial, and a national registry has the added benefit of not being dependent on the person being checked out for information on prior States of residence.

Moreover, the benefits of a national registry lie not only in finding matches to persons being investigated or considered for employment, but also, and perhaps especially, in *not* finding matches. The workload of staff who must do a background check could be significantly reduced if accurate and comprehensive information was available in a national registry. This would require that the national registry be close to comprehensive in its coverage of States, but the benefits of being able to more quickly and efficiently produce clear background checks would be substantial.

In summary, as the requirement to increase checks for ongoing investigations and also for accepting applications for foster parents, adoptive parents, or child welfare and childcare staff is fully implemented, a national registry might significantly reduce the burden of such checking. It would not reduce the burden, if States need to conduct background checks on both a national registry and through individual communications.

5.2 CAPACITY OF DATA SYSTEMS

While the States have the technical capacity for providing data to a national registry, it is clear that a detailed design of the system—from both a technical and a policy point of view—is critical to implementing such a registry.

A national registry would be most useful if, at a minimum, it included perpetrator characteristics needed to produce high probability matches. While 100 percent accurate matches would not be attainable, the registry should be capable of producing high probability matches that can then be verified with individual States. In addition, it should be able to minimize the number of false negatives so that users can have a reasonable expectation that nonmatches indicate the absence of a substantiated maltreatment record in other States.

The prevalence analyses indicate that a registry that includes name, sex, and date of birth may be sufficient to the task. States collect and maintain this information electronically, although date of birth may not have been verified.

Three important aspects of the technical design of a registry to consider include:

- What would the process entail for identifying authorized users of the registry? How would these persons be identified, registered, and periodically confirmed as authorized users?
- What is the minimal data set that would be the most efficient and effective to maintain on a system?
- Would it increase usage if certain types of cases or certain types of perpetrators were excluded from the system?

Another critical feature of the system's design would be the ability to provide data in a timely and accurate manner. If data were found to be out-of-date or inaccurate, the utility of the system would be highly compromised. Given that States also will need to expunge data from a national registry, the design of the system would need to incorporate an ability of each State to update the system at any time. The best way for States to ensure that the data are accurate may be for them to refresh their entire list of perpetrators during each data submission rather than adding and expunging individual names from the registry. More work will be needed to determine the most efficient design of a system, which could be updated at frequent intervals, approximating real-time data.

While State data systems appear to have the capacity to provide acceptably accurate and timely data to a national registry, the effort is likely to require additional resources to accomplish. Although voluntary, if a significant number of States do not provide data relatively quickly to a national registry, the registry would not be useful. To participate within a relatively short time, States will need adequate resources and technical assistance.

5.3 STATE INTEREST AND BARRIERS TO PARTICIPATION

There appears to be significant interest in a national registry, primarily because States already have to inquire about possible prior perpetrator status from multiple States. The current processes are labor intensive, time consuming, and not conducted systematically. They also rely upon self-reporting of prior residences.

This interest is seriously tempered, however, by concerns that may take some time to address. These concerns include, but are not limited to those listed below.

- **Accuracy of the data**—While it is a concern of States submitting data, that the data be accurate to avoid risk of inappropriate listing of a person, this concern is of equal importance to those retrieving data from a national registry. Large numbers of false positives (wrongly identifying someone as a perpetrator) and false negatives (failing to identify a substantiated perpetrator from another State) could have significant impact upon the work of an agency.
- **Comprehensiveness of the data**—It is unclear whether States would participate if a critical mass of States is not achieved relatively quickly. The return on the upfront investment of a State to submit data would need to be balanced by the utility of the system to the work force.
- **Resource support**—The degree to which States would receive financial and technical support will clearly influence initial decisions to participate or not.

Although multiple mentions were made by State respondents to the key informant survey about the differences in taxonomies of maltreatment and levels of evidence that would warrant attention by each State, this did not seem to be a major barrier to participating, primarily because the States already operate in this environment. Nevertheless, any further exploration in terms of designing a system would want to establish as much common ground as possible in order that both those who submit data and those who inquire about data are fully cognizant of any data limitations and have access to persons who would be able to provide additional information.

5.4 LEGAL CONCERNS

A barrier to participation in a national registry may be the required changes in State legislation. One-quarter of States (27.8%) indicated that changes in legislation would be required before they could provide data to a national registry, and an additional 44.4 percent indicated that they might need to consider legislative changes before submitting data to a national registry. The national registry will be restricted to a defined set of users and purposes, though the precise boundaries are not yet known. If it is allowed to be used for employment checks as well as child abuse and neglect investigations, the range and number of uses may be quite large. States that currently do not allow their own registries to be used for certain types of employment checks, and there are many, would have to decide whether to seek the necessary legislative changes to allow for the intended uses by the national registry. They may also decide simply not to participate. To reduce the chance of non-participation by such States, the national registry may need to consider

restricting the use by certain classes of users on a State by State basis, denying access to records from States that do not allow their own records to be used for a particular purpose.

In the Interim Report, it was indicated that, if a national child abuse registry were established, due process concerns would need to be addressed by the States and States would need to certify that they had followed minimum due process protections. Given the variation in due process procedures that are utilized by States, and the differences in rulings in various courts, a minimum standard of due process may need to be promulgated by the Federal Government. States would need to determine whether they could meet this minimum standard. For a number of States this would likely require a change in legislation and practice. Existing records in State data repositories that did not meet this minimum standard could probably not be submitted to the national registry. There also could be additional cost concerns related to such changes.

In addition to promulgating minimum standards of due process, it may be useful to consider establishing a model law to assist States with developing and passing the necessary legislation to minimize exposure to legal challenge. Further research and/or policy discussion may result in a conclusion that only a subset of perpetrators should be included in a national registry. For example, it could be argued that a national registry should include only those who have been found to be perpetrators under reasonably high levels of evidence, and for which certain standards of due process have been met. If this were the case, States would face far less exposure to legal challenges and may be more willing to participate if their own practices met such standards. The advantage of thinking of a national registry in this manner is that it may also encourage the field to become more consistent in its practices and policies concerning the designation of who is a perpetrator. States would not be prohibited from contacting other States as they do now, if they so wished.

It is not clear how long revisions to current State laws would take, but the concern that a State might need to pass new legislation could significantly delay full implementation. As previously mentioned, the full value of such a registry would be achieved only with participation of at least a majority of States.

5.5 SUMMARY

The foundations for a national registry already exist in the child protective services field given that nearly all States maintain the necessary data on child abuse and neglect perpetrators. The technical capacity of the States also supports the feasibility of a national registry. The interest in a registry is quite high, given that much is unknown at this point. Whether or not States would participate by submitting data within an established time frame depends on further specifications of such a system and further discussion about maximizing utility and security of the data, while minimizing risks to both submitting and inquiring States in terms of inaccurate, out of date, or misleading data. States would also have to conduct formal reviews of their own State laws and policy to ensure that they could submit data to such a registry.

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SECTION II. SUPPORTING TABLES

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SECTION II. SUPPORTING TABLES

Most tables represent the responses from 36 States. Publicly available state laws and policies were consulted in order to add data in tables 2, 3, 6, 10, and 13. Those tables represent up to 50 States, the District of Columbia, and Puerto Rico. In some cases there were no responses to some categories within tables. When especially relevant to the content, the empty columns were retained.

Certain responses were omitted from the tables as follows:

- Table 3, Classes of Persons Determined to be Perpetrators of Child Maltreatment (Q6 Legal). Categories omitted include: “Not Defined in Law or Written Policy,” “Other (please specify);” and “Please Specify Other Professionals.”
- Table 7, Responsibility for Responding to Out-of-State Inquiries (Q1 Practices). Category omitted included: “Other.”
- Table 10, Out-of-State Entities that May Receive Information about Child Maltreatment Perpetrators (Q36 Legal). Category omitted included: “Other.”
- Table 14, State Law or Policy Pertaining to Expunging Data from the State Repository (Q35 Legal). Categories omitted include: “Passage of a Certain Amount of Time since the Person was Determined to be Perpetrator of Abuse and Neglect. Indicate Number of Years;” and “All Children Involved in Abuse/Neglect Reach a Certain Age. Indicate Age” and “Other.”

Other notes:

- Table 21, Benefits to Participating in a National Registry. The response categories included on this table are the result of a qualitative analysis of States’ open ended response to the question.
- Table 22, Barriers to Participating in a National Registry. The response categories included on this table are the result of a qualitative analysis of States’ open ended response to the question.
- Table 26, Prevalence Study – Estimated Number of 2009 Interstate Child Abuse and Neglect Perpetrators, by Participating and Non-Participating States. Puerto Rico is included in this table as a non-participating State; however, no estimates can be made because there are no migration data available from the U.S. Census Bureau.

Table 1. Participating States

STATE	Legal and Policy Survey	Practices Survey	Technical Survey	Prevalence Study
Alabama	X	X	X	
Alaska				
Arizona	X	X	X	X
Arkansas	X	X	X	X
California		X	X	X
Colorado	X	X	X	X
Connecticut	X	X	X	X
Delaware	X	X	X	X
District of Columbia				
Florida	X	X	X	
Georgia	X	X	X	
Hawaii				
Idaho				
Illinois	X	X	X	X
Indiana	X	X	X	X
Iowa				
Kansas	X	X	X	X
Kentucky				
Louisiana	X	X	X	X
Maine	X	X	X	X
Maryland	X	X	X	
Massachusetts				
Michigan	X	X	X	X
Minnesota	X	X	X	X
Mississippi			X	
Missouri	X	X	X	
Montana				
Nebraska	X	X	X	X
Nevada	X	X	X	X
New Hampshire	X	X	X	X
New Jersey	X	X	X	
New Mexico	X	X		
New York	X	X	X	X
North Carolina	X	X	X	
North Dakota	X	X	X	
Ohio	X	X	X	
Oklahoma	X	X	X	
Oregon	X	X	X	
Pennsylvania				X
Puerto Rico	X			
Rhode Island	X	X	X	
South Carolina	X	X	X	
South Dakota	X	X	X	X
Tennessee	X	X	X	
Texas	X	X	X	X
Utah				
Vermont				
Virginia	X	X	X	X
Washington				
West Virginia				
Wisconsin				
Wyoming	X	X	X	X
Total	36	36	36	22

N= 36 States

Table 2. Standards of Proof for a Finding of Child Maltreatment (Q4 Legal)

STATE	Clear and Convincing	Preponderance of the Evidence	Other (e.g. Probable Cause, Some Credible Evidence, Reasonable Cause, Material Evidence, etc.)	Not Specified in Law or Written Policy
Alabama		X		
Alaska			X	
Arizona			X	
Arkansas		X		
California		X		
Colorado		X		
Connecticut			X	
Delaware		X		
District of Columbia			X	
Florida		X		
Georgia		X		
Hawaii			X	
Idaho			X	
Illinois			X	
Indiana		X		
Iowa		X		
Kansas	X			
Kentucky		X		
Louisiana		X		
Maine			X	
Maryland		X		
Massachusetts			X	
Michigan		X		
Minnesota		X		
Mississippi			X	
Missouri		X		
Montana		X		
Nebraska			X	
Nevada			X	
New Hampshire		X		
New Jersey		X		
New Mexico			X	
New York			X	
North Carolina		X		
North Dakota		X		
Ohio	X			
Oklahoma			X	
Oregon			X	
Pennsylvania	X			
Puerto Rico		X		
Rhode Island		X		
South Carolina		X		
South Dakota		X		
Tennessee			X	
Texas		X		
Utah			X	
Vermont			X	
Virginia		X		
Washington		X		
West Virginia		X		
Wisconsin		X		
Wyoming			X	
Total	3	29	20	0

N= 52 States

Table 3. Classes of Persons Determined to Be Perpetrators of Child Maltreatment (Q6 Legal)*(Continues on next page)*

STATE	Parents	Unmarried Partners of Parents	Other Relatives in Care Giving Roles	Legal Guardians	Minor Children in the Home
Alabama					
Alaska					
Arizona	X	X	X	X	
Arkansas					
California	X			X	
Colorado					
Connecticut	X	X	X	X	X
Delaware					
District of Columbia	X				
Florida	X	X	X	X	
Georgia	X		X	X	
Hawaii	X	X	X	X	X
Idaho	X			X	
Illinois	X	X	X	X	X
Indiana	X			X	
Iowa	X		X	X	
Kansas					
Kentucky	X			X	
Louisiana	X	X	X	X	X
Maine	X	X	X	X	
Maryland	X	X	X	X	X
Massachusetts					
Michigan	X	X	X	X	
Minnesota					
Mississippi	X		X	X	
Missouri	X	X	X	X	X
Montana	X	X		X	
Nebraska					
Nevada	X	X	X	X	
New Hampshire					
New Jersey	X	X	X	X	
New Mexico	X	X	X	X	
New York	X	X	X	X	
North Carolina	X	X	X	X	X
North Dakota	X	X	X	X	X
Ohio	X	X	X	X	X
Oklahoma					
Oregon					
Pennsylvania	X	X	X	X	X
Puerto Rico	X	X	X	X	X
Rhode Island	X	X	X	X	
South Carolina	X		X	X	
South Dakota	X			X	
Tennessee					
Texas	X	X	X	X	X
Utah	X		X	X	X
Vermont	X			X	
Virginia	X	X	X	X	X
Washington	X	X	X	X	X
West Virginia	X			X	
Wisconsin	X	X	X	X	X
Wyoming	X	X	X	X	
Total	39	26	30	38	16

N= 52 States. Note: Only 44 States specify which classes of people can be considered perpetrators of abuse and neglect.

Table 3. Classes of Persons Determined to Be Perpetrators of Child Maltreatment (Q6 Legal)*(Continues on next page)*

STATE	Foster Parents	Residential Facility/Group Home Staff	Child Care Providers	Educational Staff/Teachers	Other Professionals
Alabama					
Alaska					
Arizona	X	X			
Arkansas					
California					
Colorado					
Connecticut	X	X	X	X	X
Delaware					
District of Columbia		X	X		
Florida	X	X	X	X	
Georgia	X	X	X	X	X
Hawaii	X	X	X		
Idaho					
Illinois	X	X	X	X	X
Indiana					
Iowa	X	X	X		
Kansas					
Kentucky					
Louisiana	X	X	X		
Maine	X				
Maryland	X	X	X	X	X
Massachusetts					
Michigan	X	X	X	X	X
Minnesota					
Mississippi	X	X			
Missouri	X	X	X	X	X
Montana	X	X	X		
Nebraska					
Nevada	X	X	X	X	
New Hampshire					
New Jersey	X	X	X	X	
New Mexico	X				
New York	X	X	X		
North Carolina	X	X	X		
North Dakota	X		X	X	
Ohio	X	X	X	X	X
Oklahoma					
Oregon					
Pennsylvania	X			X	
Puerto Rico	X	X	X	X	
Rhode Island	X	X	X		
South Carolina	X	X	X		
South Dakota					
Tennessee					
Texas	X	X	X	X	X
Utah	X	X	X		
Vermont	X	X		X	
Virginia	X	X	X	X	
Washington	X	X	X	X	X
West Virginia					
Wisconsin		X	X		
Wyoming	X	X	X	X	X
Total	31	29	27	18	10

N= 52 States. Note: Only 44 States specify which classes of people can be considered perpetrators of abuse and neglect.

Table 3. Classes of Persons Determined to Be Perpetrators of Child Maltreatment (Q6 Legal)

STATE	Neighbors or Friends
Alabama	
Alaska	
Arizona	
Arkansas	
California	
Colorado	
Connecticut	X
Delaware	
District of Columbia	
Florida	
Georgia	X
Hawaii	
Idaho	
Illinois	X
Indiana	
Iowa	
Kansas	
Kentucky	
Louisiana	X
Maine	
Maryland	X
Massachusetts	
Michigan	
Minnesota	
Mississippi	
Missouri	X
Montana	
Nebraska	
Nevada	X
New Hampshire	
New Jersey	
New Mexico	
New York	
North Carolina	
North Dakota	
Ohio	X
Oklahoma	
Oregon	
Pennsylvania	
Puerto Rico	
Rhode Island	
South Carolina	
South Dakota	
Tennessee	
Texas	
Utah	
Vermont	
Virginia	
Washington	X
West Virginia	
Wisconsin	
Wyoming	
Total	9

N= 52 States. Note: Only 44 States specify which classes of people can be considered perpetrators of abuse and neglect.

Table 4. Classes of Persons Determined to Be Perpetrators of Child Maltreatment in a State Repository (Q8 Legal)*(Continues on next page)*

STATE	Parents	Unmarried Partners of Parents	Other Relatives in Care Giving Roles	Legal Guardians	Minor Children in the Home	Foster Parents	Residential Facility/Group Home Staff
Alabama							
Alaska							
Arizona							
Arkansas							
California							
Colorado							
Connecticut							
Delaware	X	X	X	X	X	X	X
District of Columbia							
Florida	X	X	X	X		X	X
Georgia							
Hawaii							
Idaho							
Illinois	X	X	X	X	X	X	X
Indiana							
Iowa							
Kansas							
Kentucky							
Louisiana	X	X	X	X	X	X	X
Maine	X	X	X	X		X	
Maryland	X	X	X	X	X	X	X
Massachusetts							
Michigan	X	X	X	X		X	X
Minnesota							
Mississippi							
Missouri	X	X	X	X	X	X	X
Montana							
Nebraska							
Nevada	X	X	X	X		X	X
New Hampshire							
New Jersey	X	X	X	X		X	X
New Mexico	X	X	X	X		X	
New York	X	X	X	X		X	X
North Carolina	X	X	X	X	X	X	X
North Dakota							
Ohio							
Oklahoma							
Oregon							
Pennsylvania							
Puerto Rico	X	X	X	X	X	X	X
Rhode Island	X	X		X		X	
South Carolina	X		X	X		X	X
South Dakota	X			X			
Tennessee							
Texas							
Utah							
Vermont							
Virginia	X	X	X	X	X	X	X
Washington							
West Virginia							
Wisconsin							
Wyoming	X	X	X	X		X	X
Total	19	17	17	19	8	18	15

N= 36 States

Table 4. Classes of Persons Determined to Be Perpetrators of Child Maltreatment in a State Repository (Q8 Legal)

STATE	Child Care Providers	Educational Staff/Teachers	Other Professionals	Neighbors or Friends	Not Defined in Law or Written Policy
Alabama					
Alaska					
Arizona					
Arkansas					
California					
Colorado					
Connecticut					
Delaware	X				
District of Columbia					
Florida	X	X			
Georgia					
Hawaii					
Idaho					
Illinois	X	X	X	X	
Indiana					
Iowa					
Kansas					
Kentucky					
Louisiana	X			X	X
Maine					
Maryland	X	X	X		
Massachusetts					
Michigan	X	X	X		
Minnesota					
Mississippi					
Missouri	X	X	X	X	
Montana					
Nebraska					
Nevada	X				
New Hampshire					
New Jersey	X	X			
New Mexico					
New York	X				
North Carolina	X				
North Dakota					
Ohio					
Oklahoma					
Oregon					
Pennsylvania					
Puerto Rico	X	X			
Rhode Island				X	
South Carolina	X				
South Dakota					
Tennessee					
Texas					
Utah					
Vermont					
Virginia	X	X			
Washington					
West Virginia					
Wisconsin					
Wyoming	X	X	X		
Total	15	9	5	4	1

N= 36 States.

Table 5. Standards of Proof for a First Level Review Resulting from a Challenge to the Finding (Q14 Legal)

STATE	Clear and Convincing	Preponderance of the Evidence	Other (e.g. Probable Cause, Some Credible Evidence, Reasonable Cause, Material Evidence, etc.)
Alabama		X	
Alaska			
Arizona			
Arkansas		X	
California			
Colorado			X
Connecticut		X	
Delaware		X	
District of Columbia			
Florida			
Georgia		X	
Hawaii			
Idaho			
Illinois		X	
Indiana		X	
Iowa			
Kansas	X		
Kentucky			
Louisiana		X	
Maine			X
Maryland		X	
Massachusetts			
Michigan		X	
Minnesota		X	
Mississippi			
Missouri		X	
Montana			
Nebraska			
Nevada			X
New Hampshire		X	
New Jersey		X	
New Mexico			X
New York		X	
North Carolina		X	
North Dakota		X	
Ohio			X
Oklahoma			
Oregon			X
Pennsylvania			
Puerto Rico	X		
Rhode Island		X	
South Carolina		X	
South Dakota		X	
Tennessee		X	
Texas		X	
Utah			
Vermont			
Virginia		X	
Washington			
West Virginia			
Wisconsin			
Wyoming		X	
Total	2	24	6

N= 36 States.

Table 6. Inclusion of Perpetrators in a State Repository while Under a First Level Review (Q13 Legal)

STATE	Yes, the Person Can be Designated	No, the Person Cannot be Designated	No, the State Law or Written Policy Does Not Specify
Alabama		X	
Alaska			X
Arizona		X	
Arkansas		X	
California			X
Colorado	X		
Connecticut	X		
Delaware	X		
District of Columbia			X
Florida			X
Georgia	X		
Hawaii			X
Idaho			X
Illinois	X		
Indiana	X		
Iowa			X
Kansas		X	
Kentucky			X
Louisiana	X		
Maine	X		
Maryland		X	
Massachusetts			X
Michigan	X		
Minnesota	X		
Mississippi			X
Missouri		X	
Montana			X
Nebraska	X		
Nevada			X
New Hampshire		X	
New Jersey			X
New Mexico			X
New York	X		
North Carolina		X	
North Dakota	X		
Ohio			X
Oklahoma			X
Oregon	X		
Pennsylvania			X
Puerto Rico	X		
Rhode Island		X	
South Carolina	X		
South Dakota		X	
Tennessee		X	
Texas	X		
Utah	X		
Vermont		X	
Virginia		X	
Washington			X
West Virginia			X
Wisconsin			X
Wyoming		X	
Total	18	14	20

N= 52 States.

Table 7. Location of State Repository (Q1 Technical)

STATE	Part of a Statewide Child Welfare Information System	A Stand-Alone Statewide Information System on Child Maltreatment Perpetrators
Alabama	X	
Alaska		
Arizona	X	
Arkansas	X	
California	X	
Colorado	X	
Connecticut	X	
Delaware	X	
District of Columbia		
Florida	X	
Georgia	X	
Hawaii		
Idaho		
Illinois	X	
Indiana	X	
Iowa		
Kansas	X	
Kentucky		
Louisiana	X	
Maine	X	
Maryland	X	
Massachusetts		
Michigan	X	
Minnesota	X	
Mississippi		
Missouri	X	
Montana		
Nebraska	X	
Nevada	X	
New Hampshire	X	
New Jersey	X	
New Mexico	X	
New York	X	
North Carolina		X
North Dakota	X	
Ohio	X	
Oklahoma	X	
Oregon	X	
Pennsylvania		
Puerto Rico		
Rhode Island	X	
South Carolina	X	
South Dakota	X	
Tennessee	X	
Texas	X	
Utah		
Vermont		
Virginia	X	
Washington		
West Virginia		
Wisconsin		
Wyoming	X	
Total	35	1

N= 36 States.

Table 8. Business Control of the Repository (Q5 Technical)

STATE	State Umbrella Social Services Agency	State Stand-Alone Child Welfare Agency	State Department of Justice	State Department of Information Technology (Outside of any of the Above)
Alabama		X		
Alaska				
Arizona	X			
Arkansas	X			
California	X			
Colorado	X			
Connecticut				X
Delaware	X			
District of Columbia				
Florida	X			
Georgia	X			
Hawaii				
Idaho				
Illinois		X		
Indiana		X		
Iowa				
Kansas	X			
Kentucky				
Louisiana	X			
Maine		X		
Maryland	X			
Massachusetts				
Michigan	X			
Minnesota				
Mississippi				
Missouri	X			
Montana				
Nebraska	X			
Nevada		X		
New Hampshire		X		
New Jersey		X		
New Mexico		X		
New York		X		
North Carolina	X			
North Dakota	X			
Ohio				
Oklahoma	X			
Oregon	X			
Pennsylvania				
Puerto Rico				
Rhode Island		X		
South Carolina	X			
South Dakota	X			
Tennessee		X		
Texas		X		
Utah				
Vermont				
Virginia	X			
Washington				
West Virginia				
Wisconsin				
Wyoming	X			
Total	21	12	0	1

N= 36 States.

Table 9. Inclusion of Tribal Data in the State Repository (Q13 Technical)

STATE	Yes, All Tribes	Yes, Certain Tribes Only	No	There are No Tribal Governments or Jurisdictions in My State
Alabama	X			
Alaska				
Arizona			X	
Arkansas				X
California		X		
Colorado		X		
Connecticut	X			
Delaware	X			
District of Columbia				
Florida		X		
Georgia				X
Hawaii				
Idaho				
Illinois				X
Indiana	X			
Iowa				
Kansas	X			
Kentucky				
Louisiana			X	
Maine			X	
Maryland				X
Massachusetts				
Michigan			X	
Minnesota	X			
Mississippi				
Missouri				X
Montana				
Nebraska	X			
Nevada			X	
New Hampshire				X
New Jersey				X
New Mexico	X			
New York		X		
North Carolina			X	
North Dakota			X	
Ohio				X
Oklahoma				
Oregon		X		
Pennsylvania				
Puerto Rico				
Rhode Island				X
South Carolina				X
South Dakota			X	
Tennessee				X
Texas			X	
Utah				
Vermont				
Virginia				X
Washington				
West Virginia				
Wisconsin				
Wyoming	X			
Total	9	5	9	12

N= 36 States

Table 10. Out-of-State Entities that May Receive Information about Child Maltreatment Perpetrators (Q36 Legal)

STATE	Public Child Welfare Agencies	Employers of School Personnel	Employers of Child Care Personnel	Employers of Personnel Working With Children (Not Child Care or Education)	Police or Law Enforcement	Citizen Review Boards	State Law or Policy does not Specify
Alabama	X		X	X	X	X	
Alaska	X						
Arizona	X				X	X	
Arkansas	X	X	X	X	X	X	
California					X		
Colorado	X						
Connecticut	X				X		
Delaware		X	X		X		
District of Columbia							
Florida	X				X		
Georgia							
Hawaii							X
Idaho							
Illinois	X	X	X		X		
Indiana	X				X		
Iowa	X						
Kansas	X						
Kentucky							X
Louisiana	X						
Maine	X	X	X	X	X	X	
Maryland	X	X	X	X	X	X	
Massachusetts	X						
Michigan	X				X	X	
Minnesota	X		X	X			
Mississippi							X
Missouri	X				X		
Montana	X	X	X	X	X	X	
Nebraska					X		
Nevada	X		X	X	X		
New Hampshire	X				X		
New Jersey	X		X				
New Mexico	X				X		
New York							
North Carolina	X		X	X			
North Dakota	X	X	X	X	X	X	
Ohio	X						
Oklahoma							
Oregon	X	X	X	X			
Pennsylvania	X				X		
Puerto Rico		X	X	X	X	X	
Rhode Island	X						
South Carolina	X				X		
South Dakota	X				X		
Tennessee	X	X	X		X	X	X
Texas							
Utah							
Vermont	X						
Virginia	X						
Washington							X
West Virginia	X				X	X	X
Wisconsin	X						
Wyoming	X	X	X	X	X		
Total	37	11	16	12	26	11	6

N= 52 States.

Table 11. State Laws or Policies that Prohibit States from Participation in a National Registry (Q40 Legal)

STATE	Yes	Maybe	No
Alabama		X	
Alaska			
Arizona		X	
Arkansas			X
California			
Colorado		X	
Connecticut	X		
Delaware			X
District of Columbia			
Florida			X
Georgia	X		
Hawaii			
Idaho			
Illinois	X		
Indiana		X	
Iowa			
Kansas			X
Kentucky			
Louisiana			X
Maine			X
Maryland	X		
Massachusetts			
Michigan		X	
Minnesota		X	
Mississippi			
Missouri		X	
Montana			
Nebraska	X		
Nevada			X
New Hampshire		X	
New Jersey			X
New Mexico	X		
New York	X		
North Carolina	X		
North Dakota		X	
Ohio			X
Oklahoma		X	
Oregon		X	
Pennsylvania			
Puerto Rico		X	
Rhode Island	X		
South Carolina	X		
South Dakota			X
Tennessee		X	
Texas		X	
Utah			
Vermont			
Virginia		X	
Washington			
West Virginia			
Wisconsin			
Wyoming		X	
Total	10	16	10

N= 36 States.

Table 12. Information on Child Maltreatment Perpetrators Provided for Out-of-State Inquiries (Q5 Practices)*(continues on next page)*

STATE	Name of Child Maltreatment Perpetrator	Alternative Names	Last Known Address	Date of Birth or Age	Sex/Gender
Alabama	X	X	X	X	X
Alaska					
Arizona	X		X	X	X
Arkansas	X		X		X
California					
Colorado	X				
Connecticut	X	X	X	X	X
Delaware	X			X	
District of Columbia					
Florida	X	X	X	X	X
Georgia					
Hawaii					
Idaho					
Illinois	X	X	X	X	X
Indiana					
Iowa					
Kansas					
Kentucky					
Louisiana	X	X	X	X	X
Maine	X	X			
Maryland					
Massachusetts					
Michigan					
Minnesota					
Mississippi					
Missouri	X			X	
Montana					
Nebraska	X	X	X	X	
Nevada	X	X	X	X	X
New Hampshire					
New Jersey	X	X			
New Mexico	X	X		X	
New York	X		X	X	X
North Carolina					
North Dakota	X				
Ohio					
Oklahoma	X	X	X	X	X
Oregon	X	X		X	X
Pennsylvania					
Puerto Rico					
Rhode Island					
South Carolina					
South Dakota					
Tennessee	X	X			
Texas					
Utah					
Vermont					
Virginia					
Washington					
West Virginia					
Wisconsin					
Wyoming	X			X	X
Total	21	13	11	15	12

N= 36 States.

Table 12. Information on Child Maltreatment Perpetrators Provided for Out-of-State Inquiries (Q5 Practices)

STATE	Race/ethnicity	SSN	Date of incident	Type of substantiated maltreatment	Date(s) of disposition	Relationship to child victim(s)
Alabama	X	X	X	X	X	X
Alaska						
Arizona		X	X	X		X
Arkansas	X		X	X	X	X
California						
Colorado		X	X	X		
Connecticut	X	X	X	X	X	X
Delaware				X		
District of Columbia						
Florida	X		X	X	X	X
Georgia						
Hawaii						
Idaho						
Illinois	X	X	X	X	X	
Indiana			X	X		
Iowa						
Kansas						
Kentucky						
Louisiana	X	X	X	X	X	X
Maine				X		
Maryland				X	X	
Massachusetts						
Michigan			X			
Minnesota						
Mississippi						
Missouri		X	X	X		
Montana						
Nebraska		X				X
Nevada	X	X	X	X	X	X
New Hampshire						
New Jersey						
New Mexico		X		X	X	
New York	X		X	X	X	X
North Carolina						
North Dakota						
Ohio						
Oklahoma	X	X	X	X	X	X
Oregon	X	X	X	X		X
Pennsylvania						
Puerto Rico						
Rhode Island			X	X		X
South Carolina			X	X	X	
South Dakota						
Tennessee			X	X		X
Texas						
Utah						
Vermont						
Virginia						
Washington						
West Virginia						
Wisconsin						
Wyoming	X		X	X		
Total	11	12	19	22	12	13

N= 36 States.

Table 13. Conditions Under Which Perpetrators May Be Expunged From a State Registry (Q34 Legal)

STATE	Does State law or written policy specify the conditions under which the designation of the person as a perpetrator of child maltreatment may be expunged from the data repository?	
	Yes	No
Alabama	X	
Alaska		X
Arizona	X	
Arkansas	X	
California	X	
Colorado	X	
Connecticut	X	
Delaware	X	
District of Columbia	X	
Florida		X
Georgia		X
Hawaii	X	
Idaho		X
Illinois	X	
Indiana	X	
Iowa	X	
Kansas	X	
Kentucky		X
Louisiana	X	
Maine	X	
Maryland	X	
Massachusetts	X	
Michigan	X	
Minnesota		X
Mississippi	X	
Missouri	X	
Montana	X	
Nebraska	X	
Nevada	X	
New Hampshire	X	
New Jersey	X	
New Mexico		X
New York	X	
North Carolina	X	
North Dakota	X	
Ohio	X	
Oklahoma	X	
Oregon	X	
Pennsylvania	X	
Puerto Rico	X	
Rhode Island	X	
South Carolina	X	
South Dakota	X	
Tennessee		X
Texas	X	
Utah	X	
Vermont	X	
Virginia	X	
Washington	X	
West Virginia	X	
Wisconsin		X
Wyoming	X	
Total	43	9

N= 52 States

Table 14. State Law or Policy Pertaining to Expunging Data from the State Repository (Q35 Legal)*(continues on next page)*

STATE	Successful Challenge to Being Determined to be a Perpetrator of Child Maltreatment	Successful Challenge to Being Designated as a Perpetrator of Child Maltreatment in the Data Repository	Passage of a Certain Amount of Time Since the Person was Determined to be a Perpetrator of Abuse and Neglect	All Children Involved in the Abuse and Neglect Incident Reach a Certain Age
Alabama	X	X	X	
Alaska				
Arizona			X	X
Arkansas				
California				
Colorado		X		
Connecticut			X	
Delaware			X	
District of Columbia				
Florida				
Georgia				
Hawaii				
Idaho				
Illinois	X	X	X	
Indiana	X	X		X
Iowa	X	X	X	
Kansas			X	
Kentucky				
Louisiana	X	X		
Maine	X	X		
Maryland	X	X		
Massachusetts				X
Michigan	X	X		
Minnesota				
Mississippi	X		X	
Missouri	X	X		
Montana				
Nebraska				
Nevada	X		X	X
New Hampshire				
New Jersey	X	X		
New Mexico				
New York				X
North Carolina	X	X		
North Dakota	X		X	
Ohio	X		X	X
Oklahoma				
Oregon	X	X	X	
Pennsylvania		X		
Puerto Rico	X	X		
Rhode Island	X			
South Carolina	X	X		
South Dakota	X	X		
Tennessee				
Texas	X		X	X
Utah	X			
Vermont				
Virginia	X	X	X	
Washington				
West Virginia			X	
Wisconsin				
Wyoming				
Total	23	18	15	7

N= 36 States.

Table 14. State Law or Policy Pertaining to Expunging Data from the State Repository (Q35 Legal)

STATE	All Children in the Home are 18 Years of Age or Older	Perpetrator of Child Abuse and Neglect was Acquitted of Criminal Charges Related to the Abuse and Neglect	Death of the Perpetrator
Alabama			
Alaska			
Arizona			
Arkansas			
California			
Colorado			
Connecticut			
Delaware			
District of Columbia			
Florida			
Georgia			
Hawaii			
Idaho			
Illinois			
Indiana		X	
Iowa			
Kansas			X
Kentucky			
Louisiana	X		
Maine			
Maryland			
Massachusetts			
Michigan			X
Minnesota			
Mississippi			
Missouri			
Montana			
Nebraska			
Nevada			
New Hampshire			
New Jersey			
New Mexico			
New York			
North Carolina			
North Dakota			
Ohio			
Oklahoma			
Oregon			
Pennsylvania			
Puerto Rico			
Rhode Island			
South Carolina			
South Dakota			
Tennessee			
Texas			
Utah			
Vermont			
Virginia			
Washington			
West Virginia			
Wisconsin			
Wyoming			
Total	1	1	2

N= 36 States.

Table 15. Length of Time to Expunging Data from the State Repository (Q25 Technical)

STATE	Less Than 5 Years	Between 5 and 10 Years	Between 11 and 20 Years	More Than 20 Years
Alabama				
Alaska				
Arizona				X
Arkansas			X	
California				
Colorado				
Connecticut			X	
Delaware				
District of Columbia				
Florida				
Georgia				
Hawaii				
Idaho				
Illinois				
Indiana				X
Iowa				
Kansas	X			
Kentucky				
Louisiana			X	
Maine				
Maryland				X
Massachusetts				
Michigan				
Minnesota			X	
Mississippi				
Missouri				X
Montana				
Nebraska		X		
Nevada				
New Hampshire		X		
New Jersey				X
New Mexico	X			
New York				X
North Carolina				X
North Dakota		X		
Ohio		X		
Oklahoma				X
Oregon				X
Pennsylvania				
Puerto Rico				
Rhode Island				X
South Carolina				
South Dakota	X			
Tennessee				
Texas				
Utah				
Vermont				
Virginia			X	
Washington				
West Virginia				
Wisconsin				
Wyoming				
Total	3	4	5	10

N= 36 States.

Table 16. Number of Years of Data in the State Repository (Q12 Technical)

STATE	Less Than One Year	1-4 Years	5-9 Years	10-14 Years	15 or More Years
Alabama					X
Alaska					
Arizona					X
Arkansas					X
California				X	
Colorado				X	
Connecticut				X	
Delaware					X
District of Columbia					
Florida		X			
Georgia		X			
Hawaii					
Idaho					
Illinois					X
Indiana				X	
Iowa					
Kansas					X
Kentucky					
Louisiana					X
Maine				X	
Maryland					X
Massachusetts					
Michigan					X
Minnesota				X	
Mississippi					
Missouri					X
Montana					
Nebraska				X	
Nevada			X		
New Hampshire			X		
New Jersey					X
New Mexico					X
New York					X
North Carolina					X
North Dakota		X			
Ohio			X		
Oklahoma					X
Oregon			X		
Pennsylvania					
Puerto Rico					
Rhode Island					X
South Carolina				X	
South Dakota				X	
Tennessee					X
Texas					X
Utah					
Vermont					
Virginia					X
Washington					
West Virginia					
Wisconsin					
Wyoming					X
Total	0	3	4	9	20

N= 36 States.

Table 17. Types of Child Maltreatment Perpetrators in the State Repository (Q11 Technical)

STATE	All Child Welfare Automated Case Information	Child Maltreatment Perpetrators Regardless of Legal Action	Child Maltreatment Perpetrators Who Have Been Convicted of Civil Offenses	Child Maltreatment Perpetrators Who Have Been Convicted of Criminal Offenses	Alleged Child Maltreatment Perpetrators
Alabama		X			X
Alaska					
Arizona		X			
Arkansas	X	X	X		
California	X	X			X
Colorado	X	X			X
Connecticut	X				
Delaware	X	X			X
District of Columbia					
Florida	X			X	X
Georgia	X				
Hawaii					
Idaho					
Illinois	X	X	X	X	X
Indiana	X	X			X
Iowa					
Kansas		X			
Kentucky					
Louisiana		X			X
Maine	X	X			X
Maryland	X				X
Massachusetts					
Michigan	X	X			
Minnesota	X	X			X
Mississippi					
Missouri	X	X			
Montana					
Nebraska	X				X
Nevada	X	X		X	X
New Hampshire					
New Jersey	X		X	X	
New Mexico	X				
New York	X				
North Carolina		X		X	
North Dakota		X			
Ohio	X	X	X	X	X
Oklahoma	X	X			X
Oregon	X	X			
Pennsylvania					
Puerto Rico					
Rhode Island	X				
South Carolina	X	X			X
South Dakota					
Tennessee	X	X			X
Texas	X	X	X	X	X
Utah					
Vermont					
Virginia		X			
Washington					
West Virginia					
Wisconsin					
Wyoming	X	X			X
Total	27	25	5	7	19

N= 36 States.

Table 18. Available Data Elements on Child Maltreatment Perpetrators in the State Repository (Q15 Technical)*(continues on next page)*

STATE	Name of Child Maltreatment Perpetrator	Alternative Perpetrator Names	Unique Perpetrator Identifier	Last Known Address	Date of Birth	Age	Sex/Gender
Alabama	X	X		X	X	X	X
Alaska							
Arizona	X	X	X	X	X	X	X
Arkansas	X		X	X	X	X	X
California	X		X	X	X	X	X
Colorado	X		X	X	X	X	X
Connecticut	X	X	X	X	X	X	X
Delaware	X	X	X	X	X	X	X
District of Columbia							
Florida	X	X	X	X	X	X	X
Georgia							
Hawaii							
Idaho							
Illinois	X	X	X	X	X	X	X
Indiana	X	X	X	X	X	X	X
Iowa							
Kansas	X		X		X		X
Kentucky							
Louisiana	X		X	X	X	X	X
Maine	X	X	X	X	X	X	X
Maryland	X	X		X	X	X	X
Massachusetts							
Michigan	X	X	X	X	X	X	X
Minnesota	X	X	X	X	X	X	X
Mississippi							
Missouri	X	X	X	X	X	X	X
Montana							
Nebraska	X	X	X	X	X	X	X
Nevada	X	X		X	X	X	X
New Hampshire	X	X			X		
New Jersey	X	X	X	X	X	X	X
New Mexico	X	X	X	X	X	X	X
New York	X	X	X	X	X	X	X
North Carolina	X				X	X	X
North Dakota	X						
Ohio	X	X	X	X	X	X	X
Oklahoma	X	X	X	X	X	X	X
Oregon	X	X	X		X	X	X
Pennsylvania							
Puerto Rico							
Rhode Island	X	X	X		X		X
South Carolina	X	X	X	X	X	X	X
South Dakota	X		X	X	X	X	X
Tennessee	X	X	X	X	X	X	X
Texas	X	X	X	X	X	X	X
Utah							
Vermont							
Virginia	X	X	X	X	X	X	X
Washington							
West Virginia							
Wisconsin							
Wyoming	X		X	X	X	X	X
Total	35	26	29	29	34	31	33

N= 36 States.

Table 18. Available Data Elements on Child Maltreatment Perpetrators in the State Repository (Q15 Technical)

STATE	Race/ Ethnicity	SSN	Type of Substantiated Maltreatment	Date(s) of Disposition	Relationship to Child Victim	Status of Any Legal Proceedings	Last Known Address	
							ZIP Code	County
Alabama	X	X	X	X	X		X	X
Alaska								
Arizona	X	X	X	X			X	
Arkansas	X	X	X	X	X		X	X
California	X	X	X	X	X		X	X
Colorado	X		X	X	X		X	X
Connecticut	X	X	X	X	X		X	X
Delaware	X	X	X	X	X		X	X
District of Columbia								
Florida	X	X	X	X	X	X	X	X
Georgia					X			
Hawaii								
Idaho								
Illinois	X	X	X	X	X	X	X	X
Indiana	X	X	X	X	X		X	X
Iowa								
Kansas	X	X	X	X	X			
Kentucky								
Louisiana	X	X	X	X			X	X
Maine	X	X	X	X	X	X	X	X
Maryland	X	X	X	X	X	X	X	X
Massachusetts								
Michigan	X	X	X	X	X		X	X
Minnesota	X	X	X	X	X		X	X
Mississippi								
Missouri	X	X	X	X	X		X	X
Montana								
Nebraska	X	X	X	X	X	X	X	X
Nevada	X	X	X	X	X	X	X	X
New Hampshire			X	X	X			
New Jersey	X	X	X	X	X		X	X
New Mexico	X	X	X	X	X		X	X
New York	X		X	X	X		X	X
North Carolina	X	X	X	X	X	X		
North Dakota								
Ohio	X	X	X	X	X	X	X	X
Oklahoma	X	X	X	X	X	X	X	X
Oregon	X	X	X		X			
Pennsylvania								
Puerto Rico								
Rhode Island	X		X	X	X			
South Carolina	X		X	X	X		X	X
South Dakota	X		X	X	X	X	X	
Tennessee	X	X	X	X	X		X	X
Texas	X	X	X	X	X		X	X
Utah								
Vermont								
Virginia	X		X	X	X	X	X	X
Washington								
West Virginia								
Wisconsin								
Wyoming	X	X	X		X		X	X
Total	33	27	34	32	33	11	29	27

N= 36 States.

Table 19. How States Determine which States Receive a Response to an Out-of-State Inquiry (Q11 Practices)

STATE	Rely on the Person of Interest to Disclose Where He/She has Lived	Rely on Any Information Indicating that the Person of Interest has Resided in that State	First Check Appropriate National Databases (e.g., National Criminal Records Database (NCIC)) and Then Check with States in Which They May Have Had a Previous Record	Contact Neighboring States	Don't Know
Alabama	X	X			
Alaska					
Arizona	X	X	X		
Arkansas	X				
California					
Colorado	X	X			
Connecticut	X	X	X		
Delaware	X	X	X		
District of Columbia					
Florida	X	X	X		
Georgia	X	X			
Hawaii					
Idaho					
Illinois	X	X		X	
Indiana	X	X			
Iowa					
Kansas	X	X			
Kentucky					
Louisiana	X	X			
Maine	X	X	X		
Maryland		X	X		
Massachusetts					
Michigan	X	X			
Minnesota	X				
Mississippi					
Missouri	X		X		
Montana					
Nebraska	X	X	X	X	
Nevada	X	X	X		
New Hampshire	X				
New Jersey	X	X			
New Mexico	X	X			
New York					
North Carolina	X	X			
North Dakota	X	X	X		
Ohio					X
Oklahoma	X	X			
Oregon	X	X			
Pennsylvania					
Puerto Rico					
Rhode Island					
South Carolina	X	X			
South Dakota	X	X			
Tennessee	X	X	X		
Texas	X				
Utah					
Vermont					
Virginia	X	X			
Washington					
West Virginia					
Wisconsin					
Wyoming	X	X			
Total	31	27	11	2	1

N= 36 States.

Table 20. Number of Inquiries for Information from the State Registry Received in the Past 12 Months (Q8 Practices)

STATE	None	Less Than 50	50–99	100–499	500–999	1,000–1,999	2,000–4,999	5,000 or More	This Information is Not Collected or Tracked	Don't Know
Alabama				X						
Alaska										
Arizona			X							
Arkansas										X
California							X			
Colorado										X
Connecticut									X	
Delaware				X						
District of Columbia										
Florida									X	
Georgia									X	
Hawaii										
Idaho										
Illinois		X								
Indiana					X					
Iowa										
Kansas		X								
Kentucky										
Louisiana				X						
Maine										X
Maryland								X		
Massachusetts										
Michigan										X
Minnesota				X						
Mississippi										
Missouri							X			
Montana										
Nebraska				X						
Nevada						X				
New Hampshire				X						
New Jersey					X					
New Mexico					X					
New York									X	
North Carolina						X				
North Dakota									X	
Ohio					X					
Oklahoma						X				
Oregon				X						
Pennsylvania										
Puerto Rico										
Rhode Island				X						
South Carolina									X	
South Dakota									X	
Tennessee				X						
Texas										X
Utah										
Vermont										
Virginia									X	
Washington										
West Virginia										
Wisconsin										
Wyoming										X
Total	0	2	1	9	4	3	2	1	8	6

N= 36 States.

Table 21. Benefits to Participating in a National Registry

STATE	Save Time	Save Money	Direct Local Access	More and More Timely Knowledge is Useful for Child Safety	Help Comply with Foster and Adoptive Parent Checks	Improve Worker Safety	Improve Cross-State Information Accessibility	Single Source of Information	Number of Total Benefits
Alabama	X	X	X	X	X			X	5
Alaska									
Arizona				X				X	2
Arkansas	X			X		X	X		4
California	X			X				X	3
Colorado									
Connecticut	X				X		X		3
Delaware	X							X	2
District of Columbia									
Florida	X			X				X	3
Georgia				X	X			X	3
Hawaii									
Idaho									
Illinois	X	X		X	X		X		5
Indiana	X			X	X		X		4
Iowa									
Kansas	X	X		X	X			X	5
Kentucky									
Louisiana	X			X			X		3
Maine	X			X					2
Maryland	X						X	X	3
Massachusetts									
Michigan	X						X	X	3
Minnesota									
Mississippi									
Missouri	X	X		X			X		4
Montana									
Nebraska				X			X	X	3
Nevada	X	X		X					3
New Hampshire								X	1
New Jersey	X							X	2
New Mexico	X			X	X				3
New York			X	X	X			X	4
North Carolina				X			X		2
North Dakota	X	X						X	3
Ohio				X			X		2
Oklahoma	X			X				X	3
Oregon	X				X		X	X	4
Pennsylvania									
Puerto Rico	X						X	X	3
Rhode Island	X		X	X			X		4
South Carolina	X			X	X		X	X	5
South Dakota	X				X		X		3
Tennessee	X						X		2
Texas				X	X		X		3
Utah									
Vermont									
Virginia								X	1
Washington									
West Virginia									
Wisconsin									
Wyoming							X		1
Total	25	6	3	22	12	1	19	19	

N=36 States. Note: Colorado's did not see any benefits of a National Registry at the time.

Table 22. Barriers to Participating in a National Registry *(continues on next page)*

STATE	Not Enough Data as Currently Designed	Will Need to Talk to Someone Because Too Little Data or Too Difficult to Interpret	Differences in Definitions, Findings, Due Process and Expungement Rules Even within States	Requires Changes to IT Systems and Availability of IT Resources (Cost and Personnel)	Requires Staff Resources, including Training (Cost and Personnel)
Alabama		X	X	X	
Alaska					
Arizona	X		X	X	X
Arkansas	X				
California			X	X	X
Colorado					
Connecticut					
Delaware			X	X	
District of Columbia					
Florida		X	X		
Georgia		X	X		
Hawaii					
Idaho					
Illinois				X	
Indiana	X		X		
Iowa					
Kansas			X		
Kentucky					
Louisiana			X		
Maine	X	X			
Maryland			X	X	
Massachusetts					
Michigan	X	X			X
Minnesota					X
Mississippi					
Missouri	X		X		
Montana					
Nebraska			X		
Nevada			X		
New Hampshire					X
New Jersey			X	X	X
New Mexico			X	X	X
New York			X	X	
North Carolina					
North Dakota			X		X
Ohio		X	X	X	
Oklahoma				X	X
Oregon	X		X		
Pennsylvania					
Puerto Rico					
Rhode Island					
South Carolina	X		X	X	
South Dakota		X			X
Tennessee			X		
Texas	X			X	X
Utah					
Vermont					
Virginia			X	X	X
Washington					
West Virginia					
Wisconsin					
Wyoming				X	X
Total	9	7	22	15	13

N= 36 States.

Table 22. Barriers to Participating in a National Registry

State Name	Risk of Legal Challenges	High Potential for False Positives or False Negatives	May be Incomplete, Inaccurate or Out of Date; Difficult to Maintain	If Not All States Participate will not be Comprehensive	Potential Need for Statutory and Policy Changes in order to Participate	Number of Total Barriers
Alabama			X			4
Alaska						
Arizona	X	X				6
Arkansas						1
California					X	4
Colorado			X		X	2
Connecticut	X	X	X		X	4
Delaware			X			3
District of Columbia						
Florida	X				X	4
Georgia						2
Hawaii						
Idaho						
Illinois	X	X				3
Indiana			X			3
Iowa						
Kansas			X	X		3
Kentucky						
Louisiana	X		X			3
Maine			X			3
Maryland			X			3
Massachusetts						
Michigan		X	X			5
Minnesota						1
Mississippi						
Missouri		X			X	4
Montana						
Nebraska					X	2
Nevada						1
New Hampshire	X				X	3
New Jersey		X				4
New Mexico	X		X		X	6
New York		X	X			4
North Carolina					X	1
North Dakota	X		X			4
Ohio		X				4
Oklahoma						2
Oregon		X	X			4
Pennsylvania						
Puerto Rico						
Rhode Island	X	X			X	3
South Carolina		X	X			5
South Dakota		X	X			4
Tennessee						1
Texas		X	X			5
Utah						
Vermont						
Virginia					X	4
Washington						
West Virginia						
Wisconsin						
Wyoming						2
Total	9	13	17	1	11	

N= 36 States.

Table 23. Prevalence Study - State Matches for Three Matching Criteria

STATE	Total Number of Records 2009	Matches					
		Name Only		Name and Sex		Name, Sex, and Date of Birth	
		(N)	(%)	(N)	(%)	(N)	(%)
Arizona	3,159	2,808	88.9%	2,686	85.0%	46	1.5%
Arkansas	7,191	6,636	92.3%	6,295	87.5%	70	1.0%
California	50,894	45,426	89.3%	43,137	84.8%	307	0.6%
Colorado	7,868	6,983	88.8%	6,651	84.5%	94	1.2%
Connecticut	7,033	6,117	87.0%	5,758	81.9%	61	0.9%
Delaware	1,446	1,295	89.6%	1,223	84.6%	13	0.9%
Illinois	18,027	16,020	88.9%	15,159	84.1%	137	0.8%
Indiana	16,050	14,348	89.4%	13,610	84.8%	135	0.8%
Kansas	883	793	89.8%	746	84.5%	6	0.7%
Louisiana	6,171	5,553	90.0%	5,296	85.8%	80	1.3%
Maine	3,304	2,885	87.3%	2,687	81.3%	29	0.9%
Michigan	21,989	19,376	88.1%	18,338	83.4%	159	0.7%
Minnesota	3,214	2,714	84.4%	2,576	80.1%	42	1.3%
Nebraska	3,245	2,812	86.7%	2,668	82.2%	26	0.8%
Nevada	3,336	2,966	88.9%	2,822	84.6%	66	2.0%
New Hampshire	730	640	87.7%	606	83.0%	6	0.8%
New York	57,389	49,014	85.4%	46,124	80.4%	291	0.5%
Pennsylvania	3,111	2,726	87.6%	2,584	83.1%	22	0.7%
South Dakota	934	709	75.9%	658	70.4%	18	1.9%
Texas	46,964	43,075	91.7%	41,295	87.9%	372	0.8%
Virginia	4,305	3,865	89.8%	3,679	85.5%	33	0.8%
Wyoming	459	397	86.5%	375	81.7%	9	2.0%
Total	267,702	237,158	88.6%	224,973	84.0%	2,022	0.8%

N= 22 States.

Table 24. Prevalence Study - Number and Percentage of Interstate Matches Using Name by Number of States, by State

State	1 State		2 States		3+ States		Total	
	(n)	%	(n)	%	(n)	%	(n)	%
Arizona	213	7.6%	176	6.3%	2,419	86.1%	2,808	100.0%
Arkansas	497	7.5%	396	6.0%	5,743	86.5%	6,636	100.0%
California	3,598	7.9%	3,071	6.8%	38,757	85.3%	45,426	100.0%
Colorado	559	8.0%	445	6.4%	5,979	85.6%	6,983	100.0%
Connecticut	537	8.8%	423	6.9%	5,157	84.3%	6,117	100.0%
Delaware	1,204	7.5%	1,058	6.6%	13,758	85.9%	16,020	100.0%
Illinois	883	6.2%	770	5.4%	12,695	88.5%	14,348	100.0%
Indiana	1,573	11.4%	1,406	10.2%	10,853	78.5%	13,832	100.0%
Kansas	68	8.6%	53	6.7%	672	84.7%	793	100.0%
Louisiana	433	7.8%	353	6.4%	4,767	85.8%	5,553	100.0%
Maine	280	9.7%	247	8.6%	2,358	81.7%	2,885	100.0%
Michigan	1,633	8.4%	1,243	6.4%	16,500	85.2%	19,376	100.0%
Minnesota	222	8.2%	211	7.8%	2,281	84.0%	2,714	100.0%
Nebraska	251	8.9%	168	6.0%	2,393	85.1%	2,812	100.0%
Nevada	240	8.1%	198	6.7%	2,528	85.2%	2,966	100.0%
New Hampshire	64	10.0%	63	9.8%	513	80.2%	640	100.0%
New York	4,505	9.2%	3,546	7.2%	40,963	83.6%	49,014	100.0%
Pennsylvania	214	7.9%	185	6.8%	2,327	85.4%	2,726	100.0%
South Dakota	91	12.8%	66	9.3%	552	77.9%	709	100.0%
Texas	2,932	6.8%	2,683	6.2%	37,460	87.0%	43,075	100.0%
Virginia	280	7.2%	224	5.8%	3,361	87.0%	3,865	100.0%
Wyoming	27	6.8%	26	6.5%	344	86.6%	397	100.0%
Total	20,304	8.1%	17,011	6.8%	212,380	85.1%	249,695	100.0%

N= 22 States.

Table 25. Prevalence Study - Percentage of Interstate Matches by Number of Matches and Number of States, by State

State	Number of Records	Name, Sex, and Date of Birth			Name, Sex, and Date of Birth	
	2009	1 State	2 States	3+ States	1 Match	2+ Matches
Arizona	46	46			39	7
Arkansas	70	67	3		57	13
California	307	306	1		260	47
Colorado	94	92	2		75	19
Connecticut	61	61			51	10
Delaware	13	13			11	2
Illinois	137	136	1		114	23
Indiana	135	112	23		87	48
Kansas	6	6			5	1
Louisiana	80	79	1		65	15
Maine	29	28	1		26	3
Michigan	159	158	1		137	22
Minnesota	42	42			34	8
Nebraska	26	26			23	3
Nevada	66	65	1		55	11
New Hampshire	6	6			6	0
New York	291	287	4		250	41
Pennsylvania	22	22			14	8
South Dakota	18	17	1		13	5
Texas	372	368	4		320	52
Virginia	33	33			28	5
Wyoming	9	8	1		7	2
Total	2,022	1,978	44	0	1,677	345

N= 22 States.

Table 26. Prevalence Study - Estimated Number of 2009 Interstate Child Abuse and Neglect Perpetrators, by Participating and Non-Participating States

STATE	Interstate Perpetrators	Adjusted Interstate Perpetrators	Estimated Interstate Perpetrators	Estimates Interstate
PARTICIPATING STATES				
Arizona	46	73		73
Arkansas	70	147		147
California	307	572		572
Colorado	94	157		157
Connecticut	61	138		138
Delaware	13	30		30
Illinois	137	276		276
Indiana	135	294		294
Kansas	6	13		13
Louisiana	80	153		153
Maine	29	63		63
Michigan	159	349		349
Minnesota	42	91		91
Nebraska	26	45		45
Nevada	66	108		108
New Hampshire	6	16		16
New York	291	785		785
Pennsylvania	22	55		55
South Dakota	18	29		29
Texas	372	712		712
Virginia	33	95		95
Wyoming	9	15		15
NON-PARTICIPATING STATES				
Alabama			89	89
Alaska			68	68
District of Columbia			98	98
Florida			486	486
Georgia			227	227
Hawaii			47	47
Idaho			27	27
Iowa			147	147
Kentucky			144	144
Maryland			220	220
Massachusetts			446	446
Mississippi			83	83
Missouri			65	65
Montana			25	25
New Jersey			118	118
New Mexico			93	93
North Carolina			69	69
North Dakota			19	19
Ohio			297	297
Oklahoma			105	105
Oregon			123	123
Puerto Rico				
Rhode Island			41	41
South Carolina			120	120
Tennessee			109	109
Utah			153	153
Vermont			13	13
Washington			82	82
West Virginia			76	76
Wisconsin			46	46
Total Participation	2,022	4,216	3,636	7,852

N= 22 States.

Table 27. Prevalence Study - Percentage Distribution of Maltreatment Type, by Perpetrator Status

Most Serious Type of Abuse	Inter-State Perpetrator	In-State Perpetrator
Neglect	64.7%	64.7%
Medical Neglect	4.1%	3.5%
Emotional maltreatment	5.4%	5.4%
Physical abuse	18.5%	18.5%
Sexual abuse	7.3%	8.0%

$\chi^2 = 3.242$ $p = .518$

N= 22 States.

Table 28. Prevalence Study – Court Involvement by Perpetrator Type, 2009

	Perpetrators categorized into number of associated Children w/ Court Petitions					Rate of Perpetrators associated with any Court Petition per 1000 Perpetrators
	0	1	2	3+	Total	
Intrastate Perpetrator	216,166	30,499	10,550	8,465	265,680	186.37
Interstate Perpetrator	1,449	336	118	119	2,022	283.38
Total	217,615	30,835	10,668	8,584	267,702	

$\chi^2 = 124.183$ $p > .001$

N= 22 States.

Table 29. Prevalence Study – Child Removal by Perpetrator Status, 2009

	Perpetrators categorized into number of associated Children w/ a Removal					Rate of Perpetrators associated with any Removal per 1000 Perpetrators
	0	1	2	3+	Total	
Intrastate Perpetrator	212,072	33,918	11,008	8,682	265,680	201.78
Interstate Perpetrator	1,415	352	132	123	2,022	300.2
Total	213,487	34,270	11,140	8,805	267,702	

$X^2 = 120.359$ $p > .001$

N= 22 States.

Table 30. Prevalence Study – Child Fatalities Perpetrator Type, 2009

	Perpetrators categorized into number of associated Child Fatalities					Rate of Perpetrators associated with any Removal per 1000 Perpetrators
	0	1	2	3+	Total	
Intrastate Perpetrator	264,741	921	14	4	265,680	3.53
Interstate Perpetrator	2,018	4	0	0	2,022	1.98
Total	266,759	925	14	4	267,702	

No statistical tests were performed due to small incidence rates.

N= 22 States.