

WYOMING DEPARTMENT OF FAMILY SERVICES	CHAPTER: Child Protective Services Case Management POLICY: Central Registry – Amendment, Expungement, or Removal POLICY NUMBER: 3.20
EFFECTIVE DATE: September 2010	Current: 09/10 Revised: 12/09, 5/10, 09/10 Original: 8/01

A. Purpose

The Department of Family Services (DFS) is mandated by W.S. §14-3-213 through §14-3-214 to create and maintain a Central Registry of child protection cases and of vulnerable adult protection cases under W.S. §35-20-101 through §35-20-109. The Central Registry shall provide protection for children and vulnerable adults from those who volunteer or are employed to supervise and care for them; identify prior substantiated reports for use in the evaluations of current reports; monitor the current status of all pending cases; and collect statistical information for use in public education and evaluation of program effectiveness.

A Central Registry (CR) record check will occur, upon receipt of application, for volunteers, prospective or current employees who may have unsupervised access to children and/or vulnerable adults, per W.S. §14-3-214 and W.S. §35-20-116.

B. Procedures

1. Responsibility for the Central Registry (CR)

- a. DFS has the responsibility to maintain child/vulnerable adult abuse information on its computer system;
- b. DFS is responsible for the record search, policy development, training on policy, and consultation on policy issues concerning the Central Registry;
- c. DFS caseworker is responsible for the correct data entry and data maintenance; and
- d. The Protective Services Division is responsible for system development/maintenance, system training, and technical support.

2. Process of Amendment, Expungement or Removal

- a. DFS may:
 - 1) Amend--to change or modify information in the Central Registry; or
 - 2) Expunge--to remove the entire complaint from the Central Registry; or
 - 3) Remove--to remove specific information from the complaint in the central registry.
- b. Any person who has received a finding of “substantiated,” by the Department of Family Services, on an allegation may request a change of that finding. Those requests shall be made by the county District Manager. A District Manager may also make a request for “a change of finding” based upon new information. The District Manager or designee approves the request the case of child protection cases. Approval of the local police

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department or the sheriff's department is required in vulnerable adult protection cases. The District Manager or designee shall notify the State Office by documenting the action taken (SS-27/APS-27) and specifying the requested changes. The State Office will notify the Field Office in writing when the changes have been completed.

- c. Good cause must be shown in order to amend, expunge, or remove Central Registry records. Good cause includes, but is not limited to:
 - 1) Discovery of a data entry error;
 - 2) Discovery of new evidence;
 - 3) Change of a finding due to administrative review, fair hearing, or a district court appeal;
 - 4) Rehabilitation is demonstrated. Rehabilitation shall be determined by a professional panel appointed by the DFS Director or Designee;
 - 5) Allegations would have been substantiated at low risk, per the Rules and Regulations Governing Child Protective Services (December 1992); or
 - 6) Death of the perpetrator.

- d. Changing an entry on the Central Registry when rehabilitation is demonstrated:
 - 1) Rehabilitation may be considered good cause to amend a finding on the computer system.
 - 2) Rehabilitation shall be determined by a professional panel appointed by the Director or Designee.
 - a) The panel will consist of four (4) DFS staff. The panel shall consist of the Deputy Director or designee and expertise from three (3) levels of management: State office administrators or their designee from the Division of Juvenile Services, Division of Protective Services, and District Manager or designee.
 - b) Documentation of rehabilitation is the responsibility of the person who is requesting the findings be changed. Documentation of good cause shall be submitted in writing. Personal representation may be approved when the person has a disability preventing them from submitting written material.
 - c) Criteria the panel should consider include:
 - (1) Has treatment occurred?
 - (2) The adequacy of the treatment.
 - (3) Is the curative time found reasonable and does it allow for successful rehabilitation?
 - (4) Have there been subsequent abuse/neglect allegations?

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- (5) Did the individual recognize they maltreated a child and the need for change?
 - (6) Did the person cooperate with a rehabilitation and or treatment plan? It is not mandated he/she cooperate with the Department’s treatment plan. They can seek services from any appropriate source.
 - (7) The panel should review the risk assessment documents in the file to help determine if rehabilitation has addressed identified risk factors.
- d) Requests for amendments based upon rehabilitation shall be submitted by the District Manager or designee from the district in which the offense was substantiated. Information submitted to the panel shall include, but is not limited to (when available):
- (1) Documentation showing proper notices were provided to the perpetrator (SS-2/APS-2, SS-5/APS-5);
 - (2) Complete documentation of rehabilitation (i.e. counseling completed, parenting class participation/completion, anger management); this documentation should clearly demonstrate what type of rehabilitation occurred, how long it continued, level of participation by perpetrator, completion achieved;
 - (3) Any relevant court documents (i.e. dismissal order, consent decree, stipulated order);
 - (4) Signed documentation of support from friends, relatives, co-workers, counselors, mentors;
 - (5) Documentation from the District Manager/ Supervisor outlining support or lack thereof for the amendment.
- e. The panel’s decision is final and there shall be no further appeal. The panel should be willing to change a finding only when credible evidence presented would cause a reasonable person to believe the individual no longer constitutes a serious threat of harm to children and/or vulnerable adults. Exceptional justification shall be required to change a finding involving a fatality, major injury or sexual abuse.
- f. When practical, reasonable efforts shall be made to notify the perpetrator and applicant of any amendment, expungement or removal of the information. Notice is given to the subject of the report.
- g. Unsubstantiated and child perpetrator cases shall not remain on the Central Registry.
- h. All requests for changes on Central Registry will be initiated on the SS-27/APS-27.

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3. Security

- a. All records concerning reports or investigations of child abuse or neglect and adult abuse, neglect, intimidation or exploitation are confidential pursuant to W.S. §14-3-214 and W.S. §35-20-108, and all such information shall be confidentially maintained through the Central Registry system.
- b. The State Office and the Field Office have the responsibility to ensure that only those persons who have received security authorization have access to the complaint screens and the perpetrator/victim history screen on the computer system.