

Child Abuse and Neglect Registry

By: Katherine Dwyer, Associate Attorney
December 21, 2018 | 2018-R-0341

Issue

When is a person placed on the child abuse and neglect registry in Connecticut and how does a person appeal his or her placement on the registry? Under what circumstances is a person's placement on the registry disclosed?

Summary

The Department of Children and Families (DCF) commissioner is responsible for adding individuals to the child abuse and neglect registry when, following an investigation, she determines that the individual is responsible for abusing or neglecting a child and poses an ongoing risk to children. Generally, an individual may only be placed on the registry after he or she has exhausted all available appeals, but there are certain circumstances in which he or she may be added earlier (e.g., if the abuse or neglect resulted in the child's serious physical harm)([CGS §§ 17a-101g, -101k](#)). The law only permits authorized DCF employees to conduct child abuse and neglect registry checks and generally requires the subject of the check to give consent before the department releases information, with certain exceptions.

Placement on the Registry

In order to place an individual on the child abuse and neglect registry, the commissioner or her designee must determine that child abuse or neglect occurred and the individual responsible poses a risk to children's health, safety, or well-being. For these purposes, a person is deemed to pose a risk that merits placement on the registry when:

1. the abuse or neglect resulted in or involved the death, risk of serious physical injury, or serious physical or emotional harm of a child;

2. the abuse substantiated was sexual and the individual responsible is over age 16;
3. there is a second substantiation for physical or emotional abuse;
4. the individual responsible for physical or emotional abuse is someone responsible for the child's care or welfare in certain contexts (e.g., a teacher, counselor, or coach);
5. the individual responsible is arrested for substantiated abuse or neglect; or
6. a petition alleging that a child is neglected or uncared for or a petition to terminate parental rights is pending in court or on appeal, and the petition is at least partly based on the substantiated abuse or neglect ([Conn. Agencies Reg. § 17a-101k-3](#)).

Within five days of issuing an abuse or neglect finding following an investigation, if she determines that the individual should be placed on the registry, the commissioner must notify the individual of her intent to do so and his or her right to appeal. The notice must include information such as the name of the child abused or neglected, a short and plain description of the type of abuse or neglect alleged, and the steps that the person must take to request an internal review of the substantiation ([CGS § 17a-101g](#), [Conn. Agencies Reg. § 17a-101k-2](#)).

Internal Review

If the individual requests an appeal, DCF must conduct an internal review of the finding within 30 days. The commissioner or her designee must review all relevant information related to the finding to determine if it is factually or legally deficient and ought to be reversed. Before the review, the commissioner must provide the individual with access to all documents relevant to the finding that are in the department's possession. The individual or his or her representative may also submit any relevant documentation to the department and may, at the discretion of the commissioner or her designee, participate in a telephone or in-person meeting for the department to gather additional relevant information. If the department determines that the finding was factually or legally deficient, the finding must be reversed (CGS § [17a-101k\(a\)-\(c\)](#)).

Hearing

The commissioner must notify the individual of the results of the internal review within five days after the decision is made, and if the finding is upheld, include notice of the right to request a hearing within 30 days of receiving the notice. The hearing must be held in conformity with the contested case procedures under the Uniform Administrative Procedure Act (UAPA). The individual may have legal representation and the burden of proof is on the commissioner to demonstrate that the finding is supported by a fair preponderance of the evidence submitted at the hearing. The hearing officer must issue a decision within 30 days of the hearing's conclusion. The individual has

the right to appeal the hearing officer's decision to the Superior Court. He or she may also seek a stay of the hearing officer's adverse decision in accordance with the UAPA (CGS § [17a-101k\(c\),\(d\)](#)).

Placement on Registry Prior to Exhaustion of Appeals

An individual generally must waive or exhaust all available appeals before DCF may (1) enter recommended findings in the registry or (2) disclose the information to (a) someone checking the registry or (b) a public or private entity requesting it for employment, licensure, or child care reimbursement under a Department of Social Services child care program or under any other law requiring a registry check. But DCF can enter the information and disclose it before the appeals are waived or exhausted if the abuse or neglect resulted in or involved:

1. the child's death,
2. risk of serious physical injury or emotional harm to a child,
3. the child's serious physical harm,
4. the arrest of a person due to child abuse or neglect,
5. a petition to terminate parental rights that is at least partially based on the substantiated child abuse or neglect and is pending in Superior Court or is on appeal, or
6. sexual abuse of the child ([CGS § 17a-101g\(c\),\(d\)](#)).

Registry Disclosures

Registry access is limited to duly authorized DCF employees to conduct child abuse and neglect investigations, background checks, and other uses the law permits. In most cases, the subject of the check must give consent before the information can be released.

Prospective employers or licensing authorities can request background checks for anyone, provided they submit a signed release form from the subject. The law also requires teachers and other school employees to submit to registry checks when they apply for a position. Signed releases are not required for background checks certain state agencies request under state law or if the request falls under the other exceptions that permit DCF to disclose otherwise confidential records without the subject's consent ([CGS §§ 10-221d, 17a-28, 17a-101k, Conn. Agencies Reg. § 17a-101k-15](#)).

KD:cmg