



Effective: April 30, 2020	Practice Standards for the Idaho Child Protection Central Registry
Policy Statement:	
Idaho has established consistent requirements for the placement and leveling of suspects on the Child Protection Central Registry. Idaho has also established consistent guidelines for the Administrative Review and Appeals process and petitions for removal.	
Purpose:	
The purpose of this standard is to provide direction and guidance to the Child and Family Services (CFS) program regarding the Idaho Child Protection Registry. The primary purpose of the Central Registry is to aid the Department in protecting children and vulnerable adults from individuals who may have previously abused, neglected, or abandoned children. Central Registry records are used to screen persons who may be entrusted with the care of children and/or vulnerable adults who require an enhanced criminal history background check, for the purpose of employment or to become foster or adoptive parents. The Adam Walsh Child Protection and Safety Act of 2006 requires that Idaho provide the status of individuals on the Central Registry when requested by other states for the purpose of background checks for employment as required in the requesting state and for foster and adoptive parents. The Social Security Act Section 470 expands this to include all staff working in a Congregate Care Facility that receive Title IV-E funding.	
Practice and Policy Requirements:	
Confidentiality	The Child Protection Central Registry is confidential and information regarding a person’s name being on the list may only be released with the written consent of the individual for whom a criminal history and background check is being conducted. No information regarding the severity or type of maltreatment shall be released.
Disposition Notification	<p>Individuals who have been substantiated for a report of abuse, neglect, or abandonment are placed on the Idaho Child Protection Central Registry in accordance with the Adam Walsh Protection and Safety Act of 2006. If the individual does not request an administrative review by the FACS Division Administrator within twenty-eight (28) days from the date on the notification, their name will automatically be entered on the Child Protection Central Registry without further notice or right for appeal.</p> <p>The assigned social worker and/or supervisor must notify the suspect, in writing, prior to placement on the Child Protection Central Registry for whom an incident of abuse neglect, or abandonment has been substantiated. (IDAPA 16.06.01.564)</p> <p>The notification must be sent by certified mail, return receipt requested. If the notification is returned without service, the social worker must make additional attempts to verify the address for the suspect and resend the notification. In addition, the date of the subsequent notification must be updated in ESPI.</p>

Disposition Notification <i>continued</i>	<p>The written notice must be entered and completed in ESPI and will include:</p> <ul style="list-style-type: none"> • The risk level assigned to the incident. • The basis for the Department’s decision including specific details regarding the basis of the substantiation. • The individual’s right to request an administrative review of the Department’s decision from the Department’s Family and Community Services (FACS) Division Administrator or their designee. • The Department’s contact information as required by IDAPA 16.06.01.007
Documentation Requirements for substantiated reports on the Disposition Statement	<p>The Local Supervisor or Central Consult staff must document the justification for the substantiated incident on the Safety Case in ESPI. The justification must clearly describe the basis for the Department’s decision to substantiate and the level of risk assigned to the incident.</p>
Substantiated Disposition of Child Protection Reports	<p>During case consultation the CFS social worker and Local Supervisor or Central Consult staff must determine whether a case will be substantiated or unsubstantiated no later than five (5) days following the completion of a safety assessment. The Local Supervisor or Central Consult staff must determine with the CFS social worker if abuse, neglect, or abandonment has occurred as defined in Idaho Code § 16-1602. As required by IDAPA 16.06.01.560, staff must document the reason for the substantiation of child abuse, neglect, or abandonment by one (1) or more of the following reasons:</p> <ul style="list-style-type: none"> • Witnessed by a family services worker; • Court determined in an adjudicatory hearing that a child comes within the jurisdiction of the Child Protective Act, Title 16, Chapter 16, Idaho Code; • A confession; • Corroborated by physical or medical evidence, or • Established by evidence that it is more likely than not that abuse, neglect, or abandonment occurred.
Levels of Risk on the Child Protection Central Registry	<p>When an incident of abuse, neglect, or abandonment has been substantiated, the Local Supervisor or Central Consult staff will assign a level of risk to the incident that is determined by the severity and type of the abuse, neglect, or abandonment. See IDAPA 16.06.01.563.01-.03</p>
Request for Administrative Review	<p>Central Office staff must respond to all requests for an administrative review in a timely manner in order to respond to the appellant within 28 days of receipt of the review request. (Link to Process)</p> <p>The FACS Division Administrator’s designee in the region must either affirm, reverse, or modify the decision to substantiate the incident of abuse, neglect, or abandonment. The designee must complete a thorough review of the case and summarize the reasons to affirm, reverse, or modify the decision in ESPI. This review documentation must clearly address all issues presented by the appellant as reasons for their appeal and will be included in the Department’s written response to the appellant.</p> <p>Once the regional designee completes the review, it will be submitted to Central Office for final review and to complete next steps.</p>

	<p>The appellant must be notified of the decision by certified mail, return receipt requested, if the decision is made to affirm or modify the substantiation. This notice must include information on how to request a fair hearing to continue the appeal process.</p> <p>If the decision is made to affirm or modify the substantiation, the appellant will be placed on the Central Registry.</p> <p>If the decision is made to reverse the substantiation, the appellant will not be placed on the Central Registry. This notification must be sent by regular mail.</p> <p>Central Office staff must document the date the request is received, notify the appellant, and maintain all records in CFS e-Cabinet as part of the appeal.</p>
Request for a Fair Hearing	<p>Central Office staff must notify the Fair Hearings Unit immediately upon receipt of a request for a fair hearing.</p> <p>Central Office staff will document the date the request is received, who the appellant is, and who will represent the Department. Central Office staff will notify the Department’s representative and appropriate Deputy Attorney General, if the appellant is represented by an attorney.</p>
Monitoring and Quality Assurance Requirements	<p>All administrative reviews completed by the FACS Division Administrator’s designee in the regions will receive a quality assurance review by the Central Registry Specialist or designee on behalf of the Division Administrator.</p>
Maintenance of substantiated cases where suspect is on the Central Registry	<p>All files including the safety assessment and supporting documents for a substantiated case where a suspect has been placed on the Central Registry must be permanently retained in CFS e-cabinet. (refer to FACS policy PO 19-01 Records Retention: Case, Medical and Administrative)</p>
Petition for Removal from the Central Registry	<p>Anyone on the Central Registry at a Level 2 or 3 may petition to have their name removed after the required time frame outlined in IDAPA has been met. These time frames are:</p> <ul style="list-style-type: none"> • Level 3 – Five (5) years • Level 2 – Ten (10) years <p>Anyone at a Level 1 will remain permanently on the Child Protection Central Registry.</p> <p>Information on how to petition to have a name removed from the Central Registry is located at: https://healthandwelfare.idaho.gov/Portals/0/Children/AbuseNeglect/ChildProtectionRegistryRemovalwEligible.pdf</p> <p>If a petitioner was placed on the Central Registry prior to 2007 the Central Registry Specialist or designee will review the record to determine a risk level, if one has not been assigned.</p>

	<p>The Central Registry Specialist or designee must review the submitted documentation to determine if the petitioner has met the following requirements to be removed from the Central Registry.</p> <ul style="list-style-type: none"> • The petition must include a written statement from the petitioner to the Department's FACS Division Administrator requesting that the petitioner's name be removed from the Child Protection Central Registry. • The minimum time frame has elapsed for the applicable level. • There are no previous or subsequent substantiated child protection reports in Idaho. • If the petitioner has resided outside the State of Idaho since being placed on Idaho's Registry, they must submit documentation that they are not listed on the registry in the states they have resided since the last substantiated report in Idaho. • There are no convictions, adjudications, or withheld judgments for any of the crimes listed in IDAPA 16.06.01.566.03. <p>The Central Registry Specialist or designee must notify the petitioner in writing of the decision to remove or of the denial within 28 days of receipt of the completed petition.</p> <p>A letter of denial must include the IDAPA Code that was not met and instructions on how to request an appeal to the decision.</p>
<p>Leveling records prior to 2007 from of FCSIS and FOCUS systems</p>	<p>Prior to October 1, 2007, all individuals with a valid report of maltreatment were placed on the Child Protection Central Registry. IDAPA did not contain rules for leveling substantiated reports or petitioning for removal until 2007. Therefore, reports prior to 2007 were not issued a level of maltreatment as described in IDAPA 16.06.01.563.01-.03</p> <p>Prior valid or substantiated dispositions identified by the regional office requiring a level: The assigned worker for a current case must review prior substantiated or valid reports in ESPI and FCSIS including the investigation summary and supporting documents and make a recommendation as to the designated level on the Central Registry.</p> <ul style="list-style-type: none"> • This may require obtaining the prior history from the regional office that completed the substantiated report. • The assigned worker will provide a summary and recommendation for the designated level to the Central Registry Specialist to be entered into ESPI or FCSIS. • The worker must email this recommendation to: CentralRegistryLev@dhw.idaho.gov • Reports in FCSIS do not sync with iCARE or ESPI and must be documented on the narrative button in FCSIS by the Central Registry Specialist or designee. <p>Other substantiated reports requiring a level:</p> <ul style="list-style-type: none"> • Requests for leveling of individuals on the Child Protection Registry for purpose of the Criminal History Unit will be completed in Central Office. • The Central Registry Specialist or designee will review the substantiated report, investigation summary, and supporting documents to assign a level.

	<ul style="list-style-type: none"> • A secondary review will be completed by Child Welfare staff who have been trained in the Child Protection Central Registry. • The Central Registry Specialist or designee will document the level and justification in ESPI under the Central Registry Case. • Reports in FCSIS do not sync with iCARE or ESPI and must be documented on the narrative button in FCSIS.
<p>Training Requirements</p>	<p>All CFS staff will complete training on Idaho’s Central Registry Policy and the process within nine months of employment and whenever there is legislation, practice standard, and/or process updates.</p> <p>Additional training or coaching may be required based on results of Quality Assurance Reviews.</p>
<p>Data Reporting Requirements</p>	<p>Data regarding the number of substantiations and number of individuals on the registry will be provided as required by law.</p>
<p>Resources/Forms</p>	<p>IDAPA 16.06.01: https://adminrules.idaho.gov/rules/current/16/160601.pdf</p> <p>Adam Walsh Child Protection and Safety Act of 2006 https://www.justice.gov/archive/olp/pdf/adam_walsh_act.pdf</p> <p>Standard for Comprehensive Safety, Ongoing, and Re-Assessment https://healthandwelfare.idaho.gov/Portals/0/Children/AbuseNeglect/ComprehensiveAssessment.pdf</p> <p>Idaho Child Protection Act: https://legislature.idaho.gov/statutesrules/idstat/title16/t16ch16/</p> <p>Establishment and Maintenance of Central Registries for Child Abuse or Neglect Reports: https://www.childwelfare.gov/pubPDFs/centreg.pdf#page=1&view=Introduction</p> <p>Records Retention Policy: FACS policy PO 19-01 Records Retention: Case, Medical and Administrative</p> <p>Child Protection Central Registry Removal: https://healthandwelfare.idaho.gov/Portals/0/Children/AbuseNeglect/ChildProtectionRegistryRemovalwEligible.pdf</p>

<p>Definitions</p>	<p><i>Caretaker</i> A caretaker is an adult responsible for the child’s care, supervision, and welfare. Caretakers can include the child’s parent, guardian, custodian, relative, foster parent, or other adult who provides care to the child.</p> <p><i>Child(ren) of Concern</i> A child(ren) of concern is the child(ren) identified in the referral as the victim of abuse, neglect, or abandonment.</p> <p><i>Child(ren) Participants on an Intake Report</i> Child(ren) Participants on an Intake Report are all other children who are not identified as the victim(s) of abuse or abandonment which reside in or visit the home.</p> <p><i>CFS Social Worker</i> Child and Family Services (CFS) social workers are direct service personnel in the regional CFS offices including central intake workers, safety assessors, case managers, permanency/adoption workers, and licensing staff. CFS staff also includes individuals with whom the regional CFS programs have contracts to provide services.</p> <p><i>Family Services Worker</i> Any of the direct service personnel, including social workers, working in regional Child and Family Services Programs</p>
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