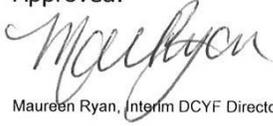


1265 SUBMITTING A FOUNDED REFERRAL FOR ENTRY ON THE CENTRAL REGISTRY

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| Chapter: Child Protective Field Services | Section: Central Registry |
|  <p>New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: 17-23 Effective Date: March 2017 Scheduled Review Date:</p> | Approved:  Maureen Ryan, Interim DCYF Director |
| Related Statute(s): RSA 169-C:35 Related Admin Rule(s): He-C 6430 Related Federal Regulation(s): | Related Form(s): FORM 1210 , FORM 1211 , FORM 1212 , FORM 1214 , FORM 1215 , FORM 1216 , FORM 1217 , FORM 1218 , FORM 1219 , FORM 1265 and FORM 1266 Bridges' Screen(s) and Attachment(s): |

The Division for Children, Youth and Families works collaboratively with families and the community toward the goal that all children and youth should be safe. Risk to children and youth can be, and is reduced through the collection, maintenance, and use of founded records. CPS staffs are integral to maintaining an accurate and complete Central Registry for use in assessing the safety of children and youth involved in new Assessments of abuse and/or neglect or in the care of individuals other than their parents.

Purpose

This policy describes what CPSWs and CPS Supervisors must do after making a founded determination to have a person found responsible to have abused and/or neglected a child/youth, entered onto the Central Registry.

Definitions

- "Central Registry"** means the state registry that maintains all founded reports of child abuse and/or neglect established pursuant to RSA 169-C:35.
- "Confirmation of Service"** means documentation that an individual received a Notice of Finding, to include but not limited to a United States Postal Service (USPS) return receipt, USPS printout of the delivery confirmation, or a document signed by the individual noting that the notice was hand delivered to him or her.
- "CPS"** means the Bureau of Field Services' Child Protective Services within DCYF.
- "CPSW"** or **"Child Protective Service Worker"** means an employee of DCYF who is specially trained to work with families referred to the Division pursuant to RSA 169-C, RSA 170-B, RSA 170-C, and RSA 463.
- "Date of Finding"** means the date that the court ordered a sufficient finding of facts that an individual abused and/or neglected a child/youth, the date that the Administrative Appeal was waived, or the date that the Administrative Appeals Unit (AAU) upheld a founded determination.
- "DCYF"** or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

“Due Process” means the execution of fairness in all legal matters, including notice, an opportunity to be heard, and the right to defend in an orderly proceeding, must be followed for each individual so that no prejudicial or unequal treatment will result.

“Founded Determination” means a specific allegation of child abuse or neglect where the Department has determined that there is a preponderance of the evidence to believe that a child has been abused and/or neglected:

1. **“Founded, Court Action”** means a determination by the court, either after a hearing or pursuant to a consent decree, that a child/youth has been found to be abused and/or neglected through a preponderance of evidence.
2. **“Founded, Problem Resolved”** means a determination by DCYF that there is a preponderance of evidence to believe that the child/youth has been abused and/or neglected and that the presenting danger has been resolved through the provision of services, supports, or other interventions to protect the child/youth and there are no ongoing safety concerns for the child/youth.
3. **“Founded, Services Only”** (Non-Court Agreement) means an agreement between the CPSW and the person responsible for the child abuse and/or neglect in which that parties agree that: the report is founded; the responsible party waives his or her right to an appeal; the responsible party’s name will be placed on the state’s Central Registry of founded reports of abuse and neglect; and, DCYF will provide services to the family to address the identified maltreatment.

“Founded Report” means a report of child abuse and/or neglect where DCYF has made one or more founded determinations.

“Person Responsible for the Child Abuse and/or Neglect” means the individual who has been determined by DCYF or the court to have abused and/or neglected a child/youth.

Policy

- I. CPSWs must provide appropriate information to Central Registry staff at the DCYF State Office to have a person responsible for child abuse and/or neglect entered on the Central Registry after [providing a notice of finding](#) and [due process](#).
- II. CPSWs will collect all data as listed in He-C 6430.02(a)1-9 to be provided to the Central Registry staff after due process is completed for the person responsible for child abuse and/or neglect.
- III. An individual is ready to be entered on the Central Registry when:
 - A. No request for an administrative appeal is received within 30 calendar days of the person responsible for child abuse and/or neglect receiving his or her Notice of Finding;
 - B. A request for an administrative appeal is dismissed, withdrawn, or defaulted;
 - C. The Administrative Appeals Unit (AAU) upholds the determination of the Division for Children, Youth and Families that an allegation is founded;
 - D. A court issues an adjudicatory order, or the court approves a consent order in lieu of an adjudicatory hearing, stating that a person is responsible for child abuse and/or neglect; or

- E. An individual signs a Non-Court Agreement (Form 1211).
- IV. Within ten (10) business days of receiving all necessary documentation of due process, the CPSW shall send copies of the documentation to the Central Registry staff at State Office to have the person responsible for child abuse and/or neglect entered on the Central Registry, including:
- A. A copy of a Non-Court Agreement (Form 1211) with the accompanying Statement of Facts (Form 1210) completed in compliance with [policy 1211 Non-Court Cases](#); or
 - B. A copy of the confirmation of service; and
 - 1. If the notice of finding was hand-delivered to the perpetrator then the CPSW must provide the Acknowledgement of Hand Delivery (Form 1212) as confirmation of service.
 - C. A copy of the completed Notice of Finding and supporting documents.
 - 1. Notice of Findings (Form 1214, Form 1215, or Form 1216) must be signed and accompanied by any documents from the AAU or the individual, as appropriate, including but not limited to an appeal request and an appeal withdrawal, AAU default order, or AAU order to uphold the findings of DCYF.
 - 2. Notice of Court Findings (Form 1217, Form 1218, or Form 1219) must be signed and accompanied by a copy of the court's order to establish a finding.
 - (a) If a court's order does not state the name of the person responsible for the child abuse and/or neglect or does not indicate what information the court is affirming, a copy of referenced petitions, affidavits, and/or consent decrees shall be attached.
 - (b) If information regarding the identity of the responsible party or the founded abuse and/or neglect is not available, a motion to clarify should be filed with the court to obtain the information.
- V. If an appeal request is received after an Assessment has been electronically sent to Central Registry staff, or copies of the documentation have been forwarded to Central Registry, the CPSW or CPS Supervisor shall notify the Central Registry staff.
- VI. Documentation sent to Central Registry staff may be sent via interoffice mail, hand-delivery, or scanned and emailed.
- A. The original documents must be maintained in the Assessment File.
 - B. Any records submitted via email must have the electronic copy deleted within 30 days of the entry on the Central Registry being completed or upon receiving a monthly report in which the referral is not noted to be outstanding.
- VII. In the event that Central Registry staff cannot complete the entry of a person responsible for child abuse and/or neglect, due to an omission or error in documentation, the CPS Supervisor will be notified.

- A. If the information omitted is available, the documentation will be sent to the Central Registry staff prior to completion of the person responsible for child abuse and/or neglect's name being entered on the Central Registry.
- B. If an error is noted in the Assessment number, individual's name, minor's birth date, court docket number, or date DCYF received the report in a Notice of Finding, the CPS Supervisor will correct the error in the Assessment record and complete Notice of Case File Correction (Form 1265), indicating to the person responsible for child abuse and/or neglect that an error was corrected in his/her Assessment file and that the correction will not affect his/her date of finding.
 1. Notice of Case File Correction (Form 1265) will be mailed through standard United States Postal Service mail to the person responsible for child abuse and/or neglect.
 2. An email will be sent to Central Registry staff to note what error(s) has been clarified and the date the Notice of Case File Correction (Form 1265) was sent to the person responsible for child abuse and/or neglect regarding the error.
- C. If an error is noted in the content of the Notice of Finding, such that the finding or person responsible does not match what is entered in Bridges, the CPS Supervisor will be notified.
 1. If the information in Bridges is incorrect, the CPS Supervisor will supply the Central Registry staff with the accurate information to correct the discrepancy.
 2. If the information in the Notice of Finding is incorrect, the CPS Supervisor will complete the Cover Letter for a Corrected Notice of Finding (Form 1266) and have the Notice of Finding corrected.
 - (a) Cover Letter for a Corrected Notice of Finding (Form 1266) and the corrected Notice of Finding will be sent to the person responsible for child abuse and/or neglect via certified restricted mail, to inform him/her of the correction made and the impact on his or her rights.
 - (b) The individual responsible for the child abuse and/or neglect will be allowed the same due process to appeal the finding(s) listed in the corrected Notice of Finding or Notice of Court Finding as they were provided when the original notice was sent.
 - (c) The corrected Notice of Finding and confirmation of service must be sent to Central Registry staff upon completion of applicable due process before the person responsible for child abuse and/or neglect can be entered on the Central Registry.

Practice Guidance

If I have informed the person responsible for the child abuse and/or neglect that the finding in the letter was incorrect do I still have to send the corrected Notice of Finding letter?

- Yes, sending the Cover Letter for a Corrected Notice of Finding (Form 1266) and the corrected Notice of Finding letter explaining the error in the prior Notice of Finding letter ensure that the Division has met the standard for due process.