



STATE STATUTES
CURRENT THROUGH JANUARY 2024

Review and Expunction of Central Registries and Reporting Records

To find statute information for a particular State or Territory, go to the [State Statutes Search](#).

Records of child abuse and neglect reports are maintained by State child protection or social services agencies, often in statewide databases that are known as central registries.¹ These records are used to aid in the investigation, treatment, and prevention of child abuse cases and provide statistical information for staffing and funding purposes. Central registry records are also used to screen individuals who will be entrusted with the care of children. Since a person's eligibility for certain types of employment or to foster or adopt children can be affected by the contents of these records, most States also have procedures for a person to challenge the findings of a central

registry record and request the record's removal or expunction.

Following an investigation, States classify child abuse records in a variety of ways, depending on the State's statutory language. The classification "unsubstantiated" often is ascribed to situations in which investigators

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¹ For more information on this topic, see Child Welfare Information Gateway's [Establishment and Maintenance of Central Registries for Child Abuse or Neglect Reports](#).

have been unable to confirm the occurrence of abuse or neglect. Other terms for unsubstantiated can include "unfounded," "not indicated," or "unconfirmed." The classification "substantiated" often is given to a report when a determination has been made that abuse or neglect likely did occur. Other terms for substantiated include "founded," "indicated," or "confirmed." Several States maintain all investigated reports of abuse and neglect in their central registries, while other States maintain only substantiated reports.

RIGHT OF THE REPORTED PERSON TO REVIEW AND CHALLENGE RECORDS

All States use the records of substantiated reports that are maintained in central registries or other recordkeeping systems for background checks for persons seeking employment to work with children and for prospective foster and adoptive parents. Therefore, several due-process and protection issues arise when a State maintains a central registry that identifies individuals accused of and found to have committed child abuse or neglect. In some cases, persons whose names are listed as alleged perpetrators in a central registry have asserted that the listing of their name in the registry deprives them of a constitutionally protected interest without due process of law.

A review of statutes and regulations across all States and Territories indicates that approximately 44 States, the District of

Columbia, American Samoa, and Puerto Rico provide an individual the right to request an administrative hearing to contest the findings of an investigation of a report and to have an inaccurate report expunged or deleted from the registry.² In Delaware, Louisiana, New Hampshire, and North Carolina, a person who wishes to challenge a report must petition the court for a hearing. In Wyoming, any person who has been named in a substantiated report of child abuse or neglect has the right to submit to the registry a statement concerning the incident.

WHEN RECORDS MUST BE EXPUNGED

The terms "expunction" or "expungement" refer to the procedures used by States to maintain and update their central registries and recordkeeping by removing old or inaccurate records.

Under the Child Abuse Prevention and Treatment Act (CAPTA), to receive a Federal grant, States must submit plans that include provisions and procedures for the prompt expunction of records of unsubstantiated or false cases of child abuse and neglect if the records are accessible to the general public or used for purposes of employment or other background checks. However, CAPTA does allow State child protective services agencies to retain information on unsubstantiated reports in their casework files to assist in future risk and safety assessments.³

² The word "approximately" is used to stress the fact that States frequently amend their laws and applies to all data in this publication. The information in this publication is current only through January 2024. The States that provide for administrative review include Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

³ 42 U.S.C.A. § 5106a(b)(2)(B)(xii) (2019)

Approximately 43 States, the District of Columbia, American Samoa, and Guam have provisions in statute for the expunction of certain child abuse and neglect reports.⁴ Statutes vary as to expunction standards and procedures. For example, the time specified for the expunction of unfounded or unsubstantiated reports generally ranges from immediately upon determination to 10 years. Laws in 26 States,⁵ American Samoa, and Guam do not permit unsubstantiated reports to be retained in the registry at all.

Substantiated reports are usually retained longer, typically at least until the child who was the victim of the abuse or neglect has reached adulthood.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

SUGGESTED CITATION

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⁴ Seven States (Alaska, Georgia, New Mexico, North Dakota, Ohio, Oregon, and Wisconsin) and the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands do not have provisions for the expunction of child abuse and neglect records.

⁵ Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, South Carolina, Texas, Vermont, Virginia, West Virginia, and Wyoming



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