	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	Child Protective Services Information System (CPSIS)/Child Abuse Registry	**Effective Date:**	January 2020
	Policy Title:	Inclusion in the CPSIS		
	Policy Number:	20.4	**Previous Policy #:**	N/A

CODES/REFERENCES

O.C.G.A. §19-7-5 Reporting of Child Abuse
O.C.G.A. §49-5-180 Central Child Abuse Registry Definitions
O.C.G.A. § 49-5-181 Establishment of Central Registry; Function of Registry
O.C.G.A. § 49-5-182 Notice to Division of Substantiated Case Resulting from Investigation by Abuse Investigator; Contents of Notice
O.C.G.A. § 49-5-183 Division to Update Registry Upon Notification of Substantiated Case; Notice to Alleged Abuser; Representation of Alleged Minor Child Abuser
O.C.G.A. § 49-5-184 Hearing on Expungement of Name From Registry
O.C.G.A. § 49-5-185 Access to Information in Registry; Statistical Analysis of Substantiated Cases Entered into Child Abuse Registry; Requests to Determine if One's Name is Included in Registry
O.C.G.A. § 49-5-186 Confidentiality of Information in Registry; Penalties for Unauthorized Use of Information
O.C.G.A. § 49-5-187 Immunity from Civil or Criminal Liability

REQUIREMENTS

The Division of Family and Children Services (DFCS) shall:

1. Maintain a central child abuse registry which shall be known as the "Child Protective Services Information System" (CPSIS) that is operated in such a manner as to enable abuse investigators to immediately identify and locate substantiated cases and to maintain and produce aggregate statistical data of substantiated cases.
2. Include the alleged child abuser's name, the classification and type of abuse, and a copy of the investigator's report in the CPSIS upon the following:
   a. Confirmation of the Receipt of the Notice of Substantiated Case by the alleged child abuser; and
   b. After expiration of the period to request a hearing, an alleged abuser, properly served with the Notice of Substantiated Case, does not request an OSAH hearing; or
   c. An alleged abuser has exhausted the opportunities to request and participate in hearings and appeals of the finding of substantiation and the substantiation finding remains upheld (see policy 20.2 CPSIS: Administrative Review Hearing and policy 20.3 CPSIS: Judicial Review of OSAH Decision).

   NOTE: Prior to December 31, 2019, CPSIS included the alleged child abuser's name upon the substantiation.

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PROCEDURES

Inclusion on CPSIS when no administrative hearing requested

DFCS Safety Section staff will:

1. Confirm the Notice of Substantiated Case was received by the alleged child abuser by:
   a. Receipt of the return receipt (green card) or
   b. Printed confirmation on the United State Postal Service Online Service
2. Document in the Safety Section database the date the certified notice was signed by the alleged child abuser;
3. Upload a copy of the return receipt or printed confirmation into the Safety Section database.
4. 45 days after the receipt of the notice include the individual's name as a substantiated child abuser in the CPSIS along with the corresponding classification and type of abuse, and the investigator's report.
   NOTE: The agency has decided to include the alleged child abuser's name in the CPSIS 45 days after their receipt of notice to allow time for their response via United States Mail. State law allows inclusion on the CPSIS 30 days after receipt of notice.

Inclusion on CPSIS when administrative or judicial review requested

DFCS Safety Section staff will:

1. Review the court order to determine if the substantiation is upheld at the conclusion of the administrative hearing and any judicial appeals.
2. Upon supervisor approval, include the alleged child abuser's name, type and classification of abuse, and the investigator's report.

The Safety Section Supervisor will:

1. Confirm proper notice to alleged abuser:
   a. Review the evidence of delivery to ensure that the Notice of Substantiated Case was properly sent by certified mail; and
   b. Confirm by return receipt or alternatively through the United States Mail online tracking service (See policy 20.1 CPSIS: Notification of Substantiated Case) and
2. Confirm all hearing and appeal rights have been exhausted:
   a. Ensure the time to file a request for administrative review hearing has expired and no hearing request has been made; or
   b. Ensure that the OSAH hearing has been completed and the decision of the Administrative Law Judge upheld the finding of substantiation; or
   c. Ensure the Judicial review of the OSAH decision has concluded and the Superior Court has issued an order upholding the substantiation. Then ensure the time for requesting subsequent appeals has expired.
   d. If subsequent appeals to higher courts are requested, await their completion and the issuance of a final order. Ensure the final order upholds the substantiation and no further appeals are available to the alleged abuser.

PRACTICE GUIDANCE

Child Protective Services Information System (CPSIS)

Information is only included in the CPSIS regarding the substantiated allegations of child abuse

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by the alleged child abuser after all appeals, administrative (OSAH) and judicial, (Superior Court, Court of Appeals, and Supreme Court of Georgia) have been exhausted. Thereafter a name can only be removed through the formal process of expungement (see policy 20.6 CPSIS: Expungement from the CPSIS) In some instances, expungement may occur 3 years after the date of inclusion on the CPSIS registry.

Prior to inclusion on the registry, an alleged abuser's name will not be included in any screening results.

As of January 1, 2020, minors alleged to have committed abuse will not be included on the registry.

When is an Alleged Child Abuser Subject to Inclusion on the CPSIS registry?

After confirming proper service of the Notice of Substantiated Case, include alleged abuser in the CPSIS if:
1. No Request for OSAH Administrative Hearing made and filing deadline expired.
2. OSAH Administrative Hearing upholds substantiation. No Request for Judicial Review by Superior Court made and filing deadline expired.
3. Superior Court Judicial Review upholds substantiation. No Request for further appeal to higher court made and filing deadline to appeal expired.
4. Court of Appeals upholds substantiation. No Request for further appeal to higher court made and filing deadline to appeal expired.
5. Supreme Court upholds substantiation. No further appeal available.

FORMS AND TOOLS

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