	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:	Expungement from the CPSIS		
	Policy Number:	20.6	**Previous Policy #:**	N/A

CODES/REFERENCES

O.C.G.A. §49-5-184 Related to Hearing on Expungement of Name from Registry

REQUIREMENTS

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

1. Accept written requests for a hearing to determine whether or not expungement should be ordered for any individual whose name appears in the CPSIS as having a substantiated case.
2. Transmit the written hearing request to the County Director and the Office of State Administrative Hearings (OSAH) within 10 days of receipt.
3. Staff with the Special Assistant Attorney General (SAAG) and determine if the County objects to the expungement based on the following statutory grounds:
    a. The written request for hearing is made sooner than 3 years from the date the individual's name was included on the registry
    b. Such individual is involved in an open dependency case for the act of child abuse for which such individual was included in the child abuse registry
    c. Such individual was included in the child abuse registry for an act of child abuse that resulted in a child fatality; or
    d. Such individual's parental rights have been terminated either voluntarily or involuntarily as a result of the act of child abuse for which such individual was included in the child abuse registry.

    NOTE: All requests for hearing will be submitted to OSAH, without exception, even if grounds to object are present.
4. Prepare for and participate in the OSAH hearing where the administrative law judge (ALJ) shall consider the following in determining whether expungement should be ordered:
    a. The nature and circumstances of the child abuse;
    b. The seriousness of the harm caused by the child abuse;
    c. The criminal history of the individual who requested the hearing;
    d. The risk to the child who was found to have been abused such individual poses;
    e. The risk to the community such individual poses;
    f. The impact on such individual's employment and licensure opportunities due to inclusion of such individual's name in the child abuse registry;
    g. Evidence of such individual's completion of training, rehabilitation, or efforts to learn effective strategies to care for children; and
    h. Any other factors deemed by the ALJ to be relevant to the determination.
5. Review the decision of the administrative law judge after the OSAH Hearing.

    NOTE: If a request for expungement is denied, such individual has the right to judicial

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review of the administrative OSAH decision in the Superior Court of the county where the expungement hearing took place or, if the hearing was conducted by telephone, in the Superior Court of Fulton County.

6. Document the results of the OSAH hearing in the CPSIS database.
7. Upon receipt of an administrative decision ordering that an individual's name be removed from the child abuse registry, remove such individual's name, the classification and type of abuse, and the copy of the investigator's report from the child abuse registry.
8. Update the CPSIS database with the administrative decision and the appeal status when a judicial review is requested.
9. Review the judicial review decision.
10. Document the result of a judicial review in the CPSIS database.
11. Upon receipt of the judicial decision ordering that an individual's name be removed from the child abuse registry, remove such individual's name, the classification and type of abuse, and the copy of the investigator's report from the child abuse registry.
12. If after the exhaustion of judicial review, the request for expungement is denied, accept a new request for an expungement hearing no sooner than three years after such denial.

PROCEDURES

The CPSIS Specialist will:

1. Accept receipt of written expungement hearing requests from any individual included on the CPSIS registry.
2. Within 10 days of receipt, send the expungement hearing request to the county director and OSAH with the following inclusions:
    a. A copy of the written request for expungement
    b. The final decision from prior administrative hearings or judicial reviews
    c. OSAH 1 form
3. Document the receipt of the expungement request in the CPSIS database and the date the request was transmitted to OSAH.
4. At the conclusion of the OSAH hearing:
    a. Review the court order to determine if the expungement is granted or denied.
    b. Document the expungement decision of OSAH
    c. Upload a copy of the OSAH decision
    d. Document any requests for judicial review
5. At the conclusion of any judicial review or at the expiration of the time allotted to petition for a judicial review:
    a. Review and upload the court order in the CPSIS database.
    b. If expungement is denied, no action is required.
    NOTE: The next request for expungement may be made no sooner than 3 years from the denial .
    c. If expungement is granted, upon supervisor approval update the CPSIS registry by removing:
        i. the individual's name
        ii. child abuse type and classification
        iii. and the investigator's report.

The Social Services Case Manager (SSCM) will:

1. Upon notice of the CPSIS staff of an expungement request, staff with the SAAG and

SSS to determine if the county objects to the expungement of the individual's name from the registry.
Note: If there is no objection to expungement, representation by the SAAG is not required, but the county staff should still participate in the expungement hearing.

2. If the county opposes the expungement, prepare for and attend the expungement hearing.
3. Provide CPSIS with the decision from the OSAH hearing, any petitions for appellate review, and any decisions of the reviewing court via email at cpsis.helpdesk@dhs.ga.gov to update the CPSIS registry as ordered by the court.

The Social Services Supervisor (SSS) will:

1. Assist in determining if grounds for a valid expungement are present.
2. Verify that the expungement hearing request has been made three years after the individual's inclusion on the registry or after the last denied request for expungement.
3. Participate in a staffing with SSCM and SAAG regarding the expungement request and hearing.
4. Participate in the OSAH hearing or judicial review as needed.
5. Upon conclusion of a OSAH hearing, confirm the SSCM provides the OSAH decision any petitions for appellate review, and any decisions of the reviewing court to CPSIS staff.

PRACTICE GUIDANCE

Expungement

Expungement is the process of legally destroying or striking out the record of child abuse on the CPSIS registry. The right to request an expungement hearing is available to any person included on the child abuse registry without regard to their date of inclusion. DFCS will transmit any request for expungement to OSAH. If any of the grounds exist that prohibit the granting of an expungement (See Requirement 3a-d), state law prevents the expungement from being granted. Even when all such grounds are absent, an expungement is not an automatic right. The administrative law judge (ALJ) must consider each of the additional statutory factors (See Requirement 4a-h). Ultimately the ALJ will consider the evidence presented to determine if expungement shall be ordered. Within five days after the conclusion of the expungement hearing the ALJ will issue an order granting or denying the expungement and transmit such order to DFCS and the individual. The individual has the right to seek judicial review of this decision.

FORMS AND TOOLS

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