	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:	Notification of Substantiated Case		
	Policy Number:	20.1	**Previous Policy #:**	N/A

CODES/REFERENCES

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. Upon conclusion of a substantiated Child Protective Services (CPS) investigation, but no later than within 30 calendar days following the substantiation, transmit the following information to the Division's Safety Section via Georgia SHINES Interface:
   a. Name, age, sex, race, social security number, if known, and birthdate of the child alleged to have been abused;
   b. Name, address, age, sex, race, social security number, and birthdate of the parents, custodian, or caretaker of the child alleged to have been abused, if known;
   c. Name, address, age, sex, race, social security number, birthdate, and primary language of the identified alleged child abuser of the substantiated child abuse and/or neglect;
   d. The county of incident;
   e. The date the child abuse occurred (The incident date)
      NOTE: Use of a date range may be necessary for instances of ongoing abuse or neglect or when the actual date cannot be pinpointed.
   f. The date the child abuse was reported; and
   g. The investigator's report, a summary of the known details of the child abuse which at a minimum shall contain the classification and type of abuse.
      NOTE: Classifications of abuse include: Endangering a Child, Neglect/Exploitation, Physical Abuse/Physical Injury, Sexual Abuse, or Sexual Exploitation. Types of abuse are categories of maltreatment that fall within the identified classification. The

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Investigator's report must identify the classification and type of abuse without using the maltreatment codes.

2. Provide the Notice of Substantiated Case within 10 days of receipt of the report of the substantiated case via certified mail, return receipt requested to each individual classified as an alleged child abuser. The Notice of Substantiated Case shall:
   a. State that an abuse investigator has investigated a report of child abuse and has found by a preponderance of the evidence that such alleged child abuser committed an act of child abuse.
   b. State that the name of the alleged child abuser and a copy of the investigator's report shall be included in the child abuse registry unless a hearing to dispute the substantiation is requested within 30 days of receipt of the notice.
   c. Include the following:
      i. The name of the alleged child abuser;
      ii. The name of the child alleged to have been abused;
      iii. The date the child abuse occurred;
      iv. The date the child abuse was reported;
      v. A copy of the investigator's report, a summary of the known details of the child abuse which at a minimum shall contain the classification and type of abuse;
      vi. Advisement of the right to request a hearing to dispute the investigator's determination of substantiation;
      vii. The procedures and timeframe in which to request the hearing;
      viii. The right of all parties to be afforded the opportunity to be represented by an attorney of their choice to respond and present evidence on the issues involved.
      ix. The consequences of being named in the child abuse registry, including the effect on employment opportunity and professional licensure; and
      x. The opportunity to request expungement and the details for that procedure.

PROCEDURES

Upon receipt of the investigator's report of a substantiated case, the Safety Section staff will:

1. Review the information to ensure all required information has been transmitted with the summary of known details and the classification and type of abuse.
   NOTE: Safety Section staff may send an email copying the county director, lead FPS, case manager, and supervisor asking for revisions and clarification of the investigator's report including requests for additional details, corrections of typographical errors, mismatched classifications, and to inquire about factual summaries that do not indicate the presence of maltreatment.
2. A revised investigator's report can be retrieved from external documentation in the SHNES database or via email to the Safety Section. Once received, upload a revised investigator's report into the Safety Section database.
3. Generate and review the Notice of Substantiated Case for accuracy and completion.
4. Mail the Notice of Substantiated Case along with the Hearing Request Form and the Instructions for Appeal and Expungement form via certified mail, return receipt requested, to the alleged child abuser;
5. Upload a copy of the sent certified mail receipt into the Safety Section database.

6. Track the U.S. Mail delivery status of the Notice of Substantiated Case.
7. When a return receipt of the certified notification letter is received:
   a. Document the date the certified notice was signed by the alleged child abuser;
   b. Upload a copy of the return receipt into the Safety Section database.
   NOTE: If the green card (certified mail delivery confirmation receipt) is never received by the agency, confirmation of delivery can be obtained through post office online services (See https://tools.usps.com/go/TrackConfirmAction_input)

The Safety Section Supervisor will:

1. Review the Notice of Substantiated Case for accuracy.
2. Ensure that the Notice of Substantiated Case is sent out timely to every alleged abuser within 10 days of the receipt of the investigator's report.
3. Supervise the tracking of and documentation of return receipts confirming delivery of Notices of Substantiated Case mailed to alleged abusers.

PRACTICE GUIDANCE

Notice of Substantiated Case

Before an investigator can provide information to the Safety Section about an alleged child abuser, they must make an investigative determination. It is the completion of the investigation and transmission of the investigator's report to the Safety Section that triggers the production of the Notice of Substantiated Case that is sent to the alleged child abuser.

Substantiation

Substantiation mean the allegations of child abuse were supported by the preponderance of the evidence.

Investigator's Report

The investigator's report shall include a comprehensive summary outlining all information considered in relation to the specific allegations (maltreatment code) that demonstrates that a preponderance of credible evidence supports such a finding. Evidence may include but is not limited to the following:

- Pictures
- Direct or witness observations
- Formal diagnosis or evaluation from a licensed clinician or physician
- Disclosures by the alleged victim or other children subject to the care or supervision of the alleged maltreater
- Alleged maltreater
- Information obtained from collaterals
- History of reports of abuse or neglect
- Other information that show a pattern of behavior

The Value of Notice and an Opportunity to be Heard

DFCS is a government agency committed to serving its customers in a just and fair manner. With this commitment, DFCS places high value on due process for customers involved in the child protection system. Due process is an individual's right to fair treatment by the law and government. Notifying alleged child abusers of the allegations against them and giving them an opportunity to be heard in a hearing regarding those allegations is an important component

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of due process. Providing clear and timely notice to alleged child abusers allows them to know exactly what findings were made by the abuse investigator. Providing an impartial hearing, at the alleged child abuser's request, allows him/her to challenge the allegations with the aid of representation and supportive evidence.

FORMS AND TOOLS

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