

# Expungement of Data in the Field of Child Welfare Literature Scan



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POLICY BENCH  
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# Policy Bench

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# Acronyms

BRC	Building Research Capacity
CACI	Child Abuse Central Index (California)
CAPTA	Child Abuse Prevention and Treatment Act
CAR	Child Abuse Register (Ontario)
CAS	Children’s Aid Society
CIS	Canadian Incidence Study of Reported Child Abuse and Neglect
CPIN	Child Protection Information Network (Ontario)
CPS	Child Protective Services
CYSFA	Child, Youth and Family Services Act (Ontario)
LS	Literature scan
OCANDS	Ontario Child Abuse and Neglect Data System
OIS	Ontario Incidence Study
PI	Performance indicator
US	United States

# Executive Summary

**Issue:** The impact of data expungement in the field of child welfare.

**Background:** Child welfare agencies maintain records of all reports of child maltreatment and their outcomes in their information systems for the purposes of investigation, treatment, and prevention of child abuse and neglect. In some Canadian provinces and in most US states, case information on alleged child abuse is also added to a registry that may be accessible to other groups or agencies, including employers. While these systems are essential for protecting children from harm, the potential consequences faced by families and individuals after being added to a child welfare information system or registry have resulted in calls for reform. One proposed policy option to strengthen protections for individuals accused of child abuse is to enhance procedures for the expungement or removal of case records from the registry or from the local agency's information system entirely, if the case is determined to be either unfounded or false. This issue is of importance because any changes to data expungement laws would have implications not only for children and adults involved in child welfare investigations, but also for research and evaluation of child welfare services.

**Methods:** A scan of existing peer reviewed and grey literature was carried out to identify, collect and synthesize research evidence exploring the issue of data expungement for child abuse cases. The process involved a series of steps including the identification of key words/search terms and relevant data sources; the development of search strategies; an extensive search of the literature; screening and data extraction; and a synthesis of the literature. Search terms included: expungement; child welfare; child abuse/maltreatment; and registry. Search strategies were developed to meet the parameters of each database and were refined throughout the process as results were reviewed. Pertinent information was extracted from the literature and summarized throughout the report.

**Findings:** The results of the literature scan revealed a limited number of published articles that addressed the issue of data expungement from child welfare databases, and none from Canada; the majority of research was exploratory and has largely focused on the topic of child abuse registries in the US. Findings showed that there is currently wide variation in legislation across jurisdictions in terms of when cases of reported child abuse are added to an information system or registry, and circumstances or timeframes under which they can be expunged. As a result, there remains a lack of agreement among researchers and courts as to what procedures and systems for maintaining child abuse records would best serve to balance the rights and needs of both children and adults. For example, while child abuse information systems serve an important function of identifying and protecting children from the risk of abuse or maltreatment, they may also have serious negative consequences for the individual accused of child abuse, including barriers to employment and other opportunities - with a disproportionate burden on certain groups (e.g. people of lower income, minorities, and women). There is a need for more research to compare and evaluate data expungement policies and their outcomes (e.g. rates of rereports, and any harms suffered by children and families) in order to gain a better understanding of the impact of such policies for both child welfare services and the families that require these services, and to help to inform future policies in Canada.

## Expungement of Data in the Field of Child Welfare Literature Scan

### 1.0 Introduction

In the United States (US) and Canada, reports of alleged child abuse and neglect are maintained in an administrative database and/or registry<sup>1</sup> following an investigation by child welfare services. In general, the main purpose of these systems is to provide information to assist child welfare workers and agencies in the investigation, treatment, and prevention of child abuse and maltreatment (Child Welfare Information Gateway, 2018a). However, the process of investigating and assessing the risk of child abuse may be inherently imprecise and subjective, leading to potential bias and penalization against individuals and families. Therefore, it is important for child welfare workers to have access to as much accurate information as possible in making assessments of harm or the need for protection.

While child abuse registries are one important resource for child welfare agencies to consult when investigating a report of alleged child abuse, the information in registries may also be accessible to other individuals or groups, such as potential employers in health or child care fields or potential foster parents, as part of a screening process to ensure the safety of any children who would be in contact with the individual in question. Due to the potential negative impact on the alleged perpetrator of being listed on a child abuse registry, there is considerable debate on the standards and procedures used to maintain case records, and the rights of an individual to correct or remove their record from a child abuse registry.

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<sup>1</sup> All child protective services use a record-keeping system or informational database to track reports of alleged child abuse and investigation and their outcomes. This system may be used for internal purposes only, or the information may also be entered into a state or province-wide registry, which may be accessible to other agencies or groups.

## Expungement of Data in the Field of Child Welfare

Data expungement refers to the removal of old, inaccurate, or false records from a child abuse registry or database.<sup>2</sup> Expungement law can vary by jurisdiction and can also depend on case status. In most cases, if the alleged abuse has been confirmed or “substantiated”<sup>3</sup> (whether by a court of law or by a child protective service worker or agency), the record is included in the database or registry and can only be expunged once the child who was the subject of the abuse is over a certain age<sup>4</sup> (Child Welfare Information Gateway, 2018b). If the case is determined to be unsubstantiated or unfounded, the record may not be added to the system at all, or it may be automatically expunged from the database after a certain time period according to local regulations, or if the accused individual successfully requests the removal of their name. However, procedures for expunction of records are typically complicated and lengthy, and there have been several court cases in the US to determine the legal rights of alleged abusers who wish to have their record expunged.

In Ontario, current regulations require child welfare agencies to follow established guidelines and procedures when an allegation of child abuse is received. This includes consulting the provincial information system for any previous reports or referrals that may indicate the child is at risk of maltreatment and in need of protection. If a report of child abuse is determined to be ‘verified’, it is also added to the province’s Child Abuse Register

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<sup>2</sup> This report considers the issue of expungement of information from both registries (i.e. removal of an individual’s name from a child abuse registry so that it is not accessible to anyone outside of the state child protective services agency) and from databases entirely (i.e. the destruction of all information about a case record from the system so that it is not even accessible to child protective service workers).

<sup>3</sup> States and provinces vary in the terms used to classify results of child abuse investigations. The classification of “substantiated” is usually given to a report when a determination has been made that abuse or neglect likely did occur. Other common terms for substantiated may include “founded,” “indicated,” “verified,” or “confirmed”. Similarly, when abuse has not been confirmed, a classification of “unsubstantiated”, “unfounded”, “not indicated”, “not verified”, or “unconfirmed” may be given. If no determination or decision can be made, the case may be considered “inconclusive”.

<sup>4</sup> Typically, the age of adulthood is 18 years, but the specific age may vary by jurisdiction.



(CAR).<sup>5</sup> New privacy regulations implemented in January 2020 allow individuals the right to access their records of personal information and to request corrections.<sup>6</sup>

This literature scan will provide an overview of child abuse registries and the procedures for adding and removing reports to information systems across the US and Canada. Any research evidence on data expungement will be reviewed to help inform future policy and practice.

## 1.1 Why does the issue warrant attention?

There is currently a wealth of administrative data in Ontario and across Canada that could help to advance knowledge of child welfare services and their impact and provide valuable information to guide policymakers and practitioners. Any changes to data expungement laws for child abuse cases would thus have widespread consequences both for child welfare services and child maltreatment research and should only be done with great care. Understanding the potential risks and benefits that these changes may pose to both adults and children and youth is important before they are enacted.

## 2.0 Background

### 2.1 Overview of the process for reporting and tracking child abuse

In Canada and the US, all members of the public, including professionals and officials, have a duty to report suspected child abuse or neglect in order to protect the welfare of

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<sup>5</sup> Cases must meet the criteria for abuse established by the *Child and Family Services Act (CYSFA)* in order to be added to the registry; this is, the child has suffered physical, sexual, or emotional harm. Therefore, cases of child neglect are not added unless they also meet these criteria.

<sup>6</sup> An amendment to Ontario's *CYFSA*, entitled "Part X", governs the collection, use, and disclosure of personal information by the Ministry and service providers (i.e. children's aid societies). The legislation allows individuals to access their records subject to certain exceptions, such as when there is a legal privilege, court order, or another Act that prohibits disclosure; or if granting the access could result in risk or serious harm or identification of another individual.



children.<sup>7</sup> When a report or referral about a child that may need protective services is received, the first step for the child welfare worker or agency is to assess the information and determine the appropriate response. At this stage, the worker may gather information from other sources, including the provincial or state database containing names of children and families with previous case records or who have previously or are currently receiving services.<sup>8</sup> After considering all available information about the child, family, and situation, including any previous patterns of child welfare involvement and other key factors such as vulnerability of the child or safety threats, the worker may decide to open an investigation; refer the family or child for other services; or take no further action (i.e. the case is screened out and not opened for investigation).<sup>9</sup> If an investigation is warranted, the worker follows the established procedures and guidelines under their local regulations (i.e. the Ontario Child Protection Standards, 2016), which may include observation and interviews with the child, family members, or other possible witnesses.<sup>10</sup> The investigation results in a decision or classification of the case depending on whether the worker has determined based on the evidence that the alleged abuse likely did occur, and whether the child or family is in need of protective services. The case outcome must be documented and notified to the child and family or individual in question.

In most US states and in some provinces, there may be an additional step of adding certain cases (i.e. those that have been verified or substantiated) to a register or registry containing information about the individual who committed the abuse and other case details. Further information on these registries is provided in the following sections. However, regardless of whether a centralized registry is in place, all investigated reports of

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<sup>7</sup> In most states, professionals who interact with children are required by law to report known or suspected child abuse, and in some states, any person is required to report, with penalties for failing to report. (Hollenbeck, 2001)

<sup>8</sup> For example, in Ontario, this database is called the FastTrack Information System. When Children's Aid Societies receive a report of suspected child abuse, they are required to search this database for information that may help determine whether the child is in need of protection. For non-Indigenous agencies, screening workers will look for an existing record in CPIN (Child Protection Information Network).

<sup>9</sup> In Ontario, the Eligibility Spectrum is a tool used at this stage, which was designed to assist child welfare workers in making decisions about eligibility for service when they receive a report or referral. The Spectrum has been in use since the 1990s and was last updated in 2016.

<sup>10</sup> In Ontario, the investigation also includes a safety assessment and a risk assessment, which is used to inform case decision making and service provision (Ministry of Children and Youth Services, 2016).

child abuse and neglect and their outcomes are generally documented and some or all of the information is maintained in the agency's database for use by child welfare services.<sup>11</sup>

### 2.2 Purpose and use of child abuse databases or registries

The databases of child abuse reports and investigations maintained by child welfare agencies serve a number of important purposes. While their primary purpose is to aid child welfare investigations and protect children from maltreatment, the records may also be used for statistical or research purposes, to improve child welfare services, and to provide background checks for volunteer or employed positions that involve access to or contact with children (Huntzinger, 2020).

As described by Hollenbeck (2001, p.10) and others, central registries in the United States generally have one of four purposes:

1. *Record-keeping and statistics* – providing information to understand the nature and scope of cases of child abuse in the state, which can be useful for staffing and funding purposes (Child Welfare Information Gateway, 2018a)
2. *Quality assurance* – providing information to ensure that child welfare services are delivered effectively and to aid case monitoring and planning (Huntzinger, 2020)
3. *Diagnosis* – allowing child welfare workers to check the database for previous reports on a suspected perpetrator or victim of child abuse during an investigation
4. *Prevention* – providing employers or other agencies in the field of child care with access to reports during screening processes in order to keep abusers from gaining access to children

#### *Using child welfare data for research and evaluation purposes*

In addition, while not typically collected for this purpose, the administrative data compiled by state and local child welfare agencies may be a useful resource for policy research and evaluation. By providing information on policy-relevant outcomes such as documented child maltreatment incidents and foster care placements, this data can answer important research questions and contribute to the evidence base for evaluation of interventions and programs to prevent child abuse and improve services for families (Green et al., 2015).

While researchers in the US have long recognized the potential uses of administrative data in the field of child welfare, there is a lack of data and research on the efficacy of child welfare services and programs in Canada (Fallon et al., 2017; Trocmé et al., 2016). In Canada, the only national source of data on child welfare services is the Canadian Incidence

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<sup>11</sup> Note: While the term “child protective services” or “CPS” is primarily used in the US, this report generally refers to “child welfare services” as this is the standard wording used in Ontario and Canada.

Study of Reported Child Abuse and Neglect (CIS), a cyclical survey conducted every five years between 1993-2008. The CIS has been accompanied by provincial or territorial incidence surveys, such as the Ontario Incidence Study (OIS), which was last conducted in 2018. However, the data from these studies is cross-sectional and only designed to produce national and provincial level estimates. The Ontario Child Abuse and Neglect Data System (OCANDS) has also been developed as the first provincial data system to track children and families involved with child welfare services longitudinally. Together, data from these studies can be used to describe characteristics of children and families investigated by child welfare services; estimate the rate and type of reported and substantiated child maltreatment; and track service trajectories and outcomes (Fallon et al., 2017). For example, it can help child welfare agencies to identify children at greater risk of outcomes such as long-term foster care; and to develop profiles of families at greater risk of recidivism of child maltreatment.

As described by Fallon et al. (2017), data from the OIS has already been used to inform several key policy initiatives in the province, such as the implementation of differential response models for the provision of child welfare services and the creation of specialized intimate partner violence teams; and has contributed to improved understanding of risk assessments and opportunities for early intervention to prevent future maltreatment among children who are at risk. However, the potential of the data has been limited thus far because most child welfare agencies do not currently have the tools or capacity to use these data effectively; and significant barriers remain in accessing longitudinal administrative data (Fallon et al., 2017; Trocmé et al., 2016). Emerging partnerships between universities and child welfare agencies in Canada, such as those described in Section 8.3, may help to bridge this gap and link child welfare research with policy and practice.

### 2.3 Comparison of child abuse registries and other registries

While there may be some overlap between cases of child abuse and criminal cases and in the consequences of having a record for either child abuse or another crime, it is important to note that child abuse registries and records are separate and distinct from other types of registries, namely criminal and sex offender registries. Some of the differences between these systems are noted below:

- Typically, there must be a legal finding or conviction made by a court against an individual in order for their name to be added to a criminal or sex offender registry; however, the criteria for being listed on a child abuse registry tends to be less stringent (Huntzinger, 2020). Often, a case record may be added to a child abuse registry before any hearing or court ruling, based only on the decision made by a child protection service worker during their investigation.
- In addition, during that investigation, an accused abuser is not automatically provided with the same type of rights that an accused criminal would be offered during a criminal investigation, such as the Miranda rights (Sen, 2020).
- Another difference is the accessibility of registries – while the information in child

abuse registries is limited to certain individuals, agencies or employers, court records showing criminal convictions can be accessed by the public, and in the United States (but not Canada), sex offender registries can also be searched by the public.

- Depending on the jurisdiction, there may also be differences in the length of time an individual's name is kept on the different types of registries. For example, in New Jersey, a sex offender typically remains on the registry for his or her lifetime unless they have been offense-free for fifteen years, at which time the individual can petition to be removed from the registry; whereas no such provision may be given to individuals on the child abuse registry, whose records generally cannot be expunged if they have been substantiated (Miller, 2011).
- It has also been argued that child abuse registries are more harmful than sex offender registries because of the loss of employment prospects that results from being listed on a child abuse registry, over and above the reputational harm caused by being accused of any type of crime (Navid, 2011).
- While other court systems consider the unique situations of minors and may seal or expunge juvenile criminal records, the child welfare system does not typically differentiate between minor and adult perpetrators in dealing with cases of abuse or neglect, including decisions to expunge records (Barry, 2018).

### 2.4 Child abuse databases in Canada

In Canada, child protection services are regulated at the provincial or territorial level rather than the federal level. Each province or territory has its own child protection legislation and regulations, with some differences in policies and practices across jurisdictions. Systems for maintaining information on reports and investigations of child abuse and maltreatment also vary, with some provinces having fairly elaborate information systems, while others only provide information at the local level (Fallon et al., 2011). Only three provinces have established child abuse registries to date – Manitoba, Ontario, and Nova Scotia; although some other provinces also allow for record checks of child abuse investigations using their information systems. In those provinces that do maintain registries, an individual may request or apply to have their name removed, although expungement procedures vary by province.

The standards of evidence that are used by child protection authorities to determine whether to intervene or whether maltreatment occurred also vary by province. Most provinces do not use a clear standard for substantiation of maltreatment; however, others use a two-tiered classification system to distinguish between cases where the alleged maltreatment is either 'substantiated' or 'verified' versus unfounded or not verified. In making this classification, some provinces such as Ontario, New Brunswick and Saskatchewan use a "balance of probabilities" approach to determine whether the weight of the evidence supports an allegation of abuse or neglect. In addition, child welfare statutes and standards in most jurisdictions cover not only cases where a child may have experienced maltreatment, but also cases where there is no evidence of harm but children

are at a substantial risk of future maltreatment. For example, in 2008, about three-quarters of all child maltreatment investigations in Canada were conducted for possible incidents of abuse or neglect that had already occurred, while one-quarter were focused on concerns about future maltreatment (Trocmé et al., 2010, Chapter 3). Both types of investigations are thus included in each province or agencies' administrative record systems.

Appendix A provides an overview of the legislation governing child welfare in each province and territory, and any existing policies and procedures for child abuse registries and expungement of records, as well as any information on the standards used for verification of child abuse allegations.

### 2.5 Child abuse registries in the United States

#### *Overview*

All fifty states in the US are required under national legislation to maintain a system of child abuse and neglect records, which include identifying information about the child and family, as well as the results of any investigations completed by child welfare agencies (Child Welfare Information Gateway, 2017). The Child Abuse Prevention and Treatment Act (CAPTA) enacted in 1974 is the primary legislation governing child abuse at the national level, and requires each state to develop their own procedures for the collection and maintenance of child abuse reports, as well as provisions for the prompt expungement of unsubstantiated or false records, if those records are accessible to the public or used for background checks. However, the law also allows for child welfare agencies to keep information on unsubstantiated reports in their case files to assist in future risk and safety assessments. (Child Welfare Information Gateway, 2018b).

While all states maintain these records, most often in the form of a central registry, the procedures and systems vary across states. There is variation in: the standards used to determine whether abuse occurred and whether a case should be placed on the registry; the type of information contained in the registries; the type of cases included in the registry (i.e. all investigated reports or only substantiated reports); who has access to the information in registries; the length of time information is kept on the registry; and conditions and procedures for expungement of data (Child Welfare Information Gateway 2018a; Sen 2020).

#### *When are cases included in the state registry?*

Perhaps one of the most important differences across states is the level of evidence needed to place an alleged abuser on the registry. The standards used to substantiate cases of child abuse and neglect are more variable than the standards of proof used in other areas of criminal and civil law (Kahn et al., 2017). For example, standards range from only "probable cause" or "some credible evidence" in some states to the higher level of "substantial evidence" or a "preponderance of the evidence" (Sen, 2020). Overall, most

states have a bias towards *including* cases of reported abuse on the registry, with a low standard of proof for substantiating a report (Hollenbeck, 2001). According to a survey of 38 states, less than two-thirds used the standard of “preponderance of the evidence” or higher to substantiate cases, and only one state applied the highest standard of “clear and convincing evidence” (McDonald, 2012; Kahn et al., 2017).

While in many states, only those cases that are substantiated are placed on the registry, several states also include unsubstantiated case records in their registries or state databases (Hollenbeck, 2001; Child Welfare Information Gateway 2018b).<sup>12</sup> For example, in Florida, only one-fifth of all reports of child abuse and neglect submitted to the registry between 2001-2010 were ‘verified’<sup>13</sup>, resulting in over 1 million records that were either false or unsubstantiated (Debler, 2012).

### ***When can cases be expunged?***

While most substantiated records are maintained in the registry until after the abused child in the report reaches adulthood,<sup>14</sup> unsubstantiated records are generally retained for a shorter period of time. In general, unsubstantiated cases of child abuse are removed or expunged from the state registry after a period ranging from immediately upon

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<sup>12</sup> According to a 2003 study, less than half of states (23 states; 45%) restricted their central registry to substantiated, founded, or indicated reports, and 10 states had policies enabling them to maintain all reports on the registry (US Department of Health and Human Services, 2003)

<sup>13</sup> In Florida, ‘verified’ reports are those that met the standard of ‘a preponderance of evidence’ to conclude that child abuse or neglect occurred.

<sup>14</sup> However, some states maintain information for longer. For example, in New York, indicated reports remain on the central registry for ten years after the child’s eighteenth birthday, meaning that an individual’s name could potentially be listed on the registry for nearly 28 years (Barry, 2018). In New Jersey, any identifying information on children who were the subject of a founded report is expunged when the child turns 23; however, the names of perpetrators are retained indefinitely if their social security number or date of birth is known.

determination to 10 years, depending on the state's laws (Child Welfare Information Gateway, 2018b; Hollenbeck, 2001).<sup>15</sup>

Under CAPTA, local child welfare agencies are able to retain some information on even unsubstantiated cases in their records or files with identifying information removed, even if they have been removed from the state central registry. Despite this allowance, some states do call for expungement of the entire case record from the information systems used by child welfare agencies to maintain and track all case information after a specified time, thereby deleting all prior case history.<sup>16</sup> Some examples of states which require immediate or quick data expunction and destruction of all case records are provided in Table 1.

The legislation in Pennsylvania described in Table 1 is noteworthy because it was recently modified to extend the time period for maintaining records before expungement and to allow local agencies to keep information in their own databases, thus bringing the law more in line with other states and the CAPTA allowance. Since 2014, reports of child abuse that were considered to be valid in Pennsylvania were required to be maintained in the state database for a period of only five years, after which they had to be expunged within 120 days.<sup>17</sup> In addition, county agencies had to follow the same procedures for the maintenance and expungement of records as the state database (i.e., if a record was expunged from the state database, the county was also required to expunge the record from its own database within 10 days) (Senate of Pennsylvania, 2017a).

In 2017, legislation was introduced to amend Title 23 (Domestic Relations), Section 6337 of the Child Protective Services Law in Pennsylvania, which contains the expungement guidelines for the statewide database of protective services. The new legislation (Senate Bill 938) sought to extend the time period for expunction of valid protective services reports from five to ten years, or until the child who was the subject of the report attains 23 years of age – whichever occurs first.<sup>18</sup> The amendment would also permit county agencies

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<sup>15</sup> However, unsubstantiated cases may sometimes be maintained for longer periods in the state database. For example, In Indiana, electronic copies of all unsubstantiated case records are maintained in the state system until the youngest child who is the subject of a report turns 24.

<sup>16</sup> This type of expungement is only done for cases that meet certain conditions, such as those where the alleged abuse has not been confirmed, and where the individual or family has had no subsequent referrals or reports to CPS during the specified time period.

<sup>17</sup> However, if the case was accepted for child welfare services, the record was expunged five years after the closure of services, rather than five years after the report was received.

<sup>18</sup> Note that the proposed legislation did not change the time period for expungement of unfounded records, which was one year.



to continue to maintain information in their own records even if it has been expunged in the statewide database. However, this was to be solely for internal access by the agency “to assist in future risk and safety assessments and research”. The proposed legislation was tabled in March 2018, and was enacted in June 2018 (under Act 54).

The Senators who introduced Bill 938 emphasized the importance of keeping administrative records of all reports of child abuse: *“The need for this update stems from the establishment of Act 29 of 2014, which created the Statewide Database of Protective Services within the Department of Human Services. The Statewide Database is an effective tool for tracking child abuse reports, however the language of the law requires counties to delete records in their own database whenever the State deletes information from its central database, based on certain timeframes. This has already affected county agencies, requiring them to expunge critical historical information from their county databases. Continuing to expunge this critical historical information will create unforeseen problems for the way counties utilize data to protect children and investigators and could put them both at potential risk”* (Senate of Pennsylvania, 2017b).

## Expungement of Data in the Field of Child Welfare

**Table 1 Examples of Procedures for Data Expungement from Child Abuse Information Systems in Selected US States**

State	Description of Expunction Procedures
New Jersey	Requires the expunction of all unfounded reports in their entirety after three years – both paper and electronic records must be destroyed, erased, and deleted. Reports that were determined to be “established” or “not established” are not subject to expunction. Reports are expunged only when: they have a finding of “unfounded”; there are no current child protective service (CPS) allegations pending; CPS is not providing services as a result of the investigation; and three years must have passed since the case was closed or since the date of the last finding of ‘unfounded’ (e.g. if the case was changed from substantiated to unfounded). If any subsequent reports are received during the three-year time period, and these are also unfounded, the expunction date of all reports is three years after the most recent case closure date.
Pennsylvania	Unfounded reports are maintained for one year after the report is received, after which the report is expunged from the state database immediately. Substantiated cases (founded and indicated) are expunged after 10 years or when the child turns 23. The expungement of unfounded cases must be done no later than 120 days after the one-year period. However, if unfounded cases were accepted for social services, the expungement date is one year plus up to 120 days after the family case is closed. No identifying information can be retained by the state department; however, a county agency may maintain information from reports that have been expunged from the statewide database for access only by the county agency to assist in future risk and safety assessments.
New Hampshire	If a report is screened out (determined not to be credible and not referred for assessment), it is retained for one year, after which time the department must delete or destroy all electronic and paper records of the report. If the report is ‘unfounded’, it is retained for 3 years, and then all electronic and paper records must be destroyed or deleted. A founded report is retained for 7 years after the case is closed, at which time it is destroyed.

### *Expungement of information from registries through appeal*

In addition to the procedures for automatic expungement of some cases after a specified time period, the majority of states also provide individuals the right to challenge or appeal the outcome of a child abuse investigation and request their name to be removed from the

registry; however, expungement procedures vary across states. Usually, the challenge is first made to the child welfare agency where an administrative review is conducted, but may progress to a court hearing if the request was denied and the individual files an appeal (Hollenbeck, 2001). In some states, the individual must petition the court for a hearing if he or she would like to challenge the report (Child Welfare Information Gateway, 2018b). However, there are often limits on the timeframe in which the accused individual can file a request; ranging from only 10-15 days after a notice is received informing the individual that their name is being placed on the registry, to 1-3 months after receiving notice. A few states, however, do not set a time frame, or will grant requests after the deadline if there is good cause (Sen, 2020). In addition, the actual process of challenging or appealing a finding may be quite lengthy and complicated (Huntzinger, 2020). One of the common criticisms against child abuse registries in the US is the difficulties faced by individuals in removing their record when it is false or unsubstantiated.

### 3.0 Debate Surrounding the Expungement of Data

The issues surrounding the standards and procedures used to maintain or expunge child abuse records have caused considerable debate. While researchers argue the importance of information systems and registries for purposes of risk assessment, prevention, and identifying trends and patterns in child abuse and neglect data, there is a growing movement for reform of the systems used in the United States, including stronger protections for alleged perpetrators. The negative impact on families from being investigated for child abuse and on accused individuals as they lose potential employment or other opportunities after having their name placed in a registry is considered by many to be not only unfair - particularly for low-income families and racial minorities, but also unconstitutional - especially in cases where the report of alleged abuse was false or unsubstantiated. Yet the alternative proposal of expunging case records would also have implications not only for risk assessment due to the loss of information that child welfare workers often rely on when investigating reports of maltreatment or risk of future maltreatment, but also for research studies that could use available administrative data to evaluate and improve service performance. The following section provides an overview of the arguments for and against data expungement in the literature.

#### 3.1 Arguments in support of expungement

##### *Impact on employment and other opportunities*

In both Canada and the United States, child abuse registries are often used by employers to conduct background checks on potential employees or volunteers during the hiring process to identify anyone who may pose a risk to children, when the position involves contact with children. In at least 30 states in the US, the record check is either allowed or required (Huntzinger, 2020). When an individual is listed on a registry, they are often not eligible for jobs in child care fields - even when the report of alleged maltreatment is unsubstantiated (Owhe,

2013). For example, in Pennsylvania, the law prevents administrators of child care facilities from hiring anyone listed on the state's child abuse registry for a period of five years after the report (Sherman, 2011).

While employment in child care careers (i.e. child care centres) is predominantly affected, registries may also be checked for other types of employers depending on the state, including education, health care (e.g. home health aides), and transportation jobs (Sen, 2020; Huntzinger, 2020). For example, among indigenous communities in Manitoba, a policy is in place whereby the community council must present evidence showing that any applicant for "a position of public trust" is not listed on the province's child abuse registry. This includes the positions of recreation director, community safety officer, and any paid or volunteer positions that supervise children during recreational activities (Government of Manitoba, 2017). Furthermore, in many states such as New York, names remain on central registries even after the individual has been cleared of child abuse allegations in a court. Therefore, people may continue to lose job prospects even after any charges have been dismissed because of the laws in certain states and the lack of coordination between registries and family courts (Sen, 2020).

Besides employment prospects, other opportunities can be lost by having a prior case record of alleged or substantiated child abuse. This includes disqualification from becoming foster parents or adopting a child. It may also negatively impact a parent in custody determinations, resulting in a lower likelihood of gaining custody or visitation rights to the child. Finally, parents may also be unable to volunteer in their children's schools or participate in their extracurricular activities, such as coaching sports teams (Sen, 2020).

### ***Violation of due process rights***

As described in Section 4.0, several courts in the US have considered claims that child abuse registries infringe on citizens' constitutional rights to due process under the Fourteenth Amendment. Most courts have agreed that being listed on an employer-accessible child abuse registry does violate one's rights to both employment and reputation (Hollenbeck, 2001). Many courts have also determined that the standards and procedures used to report, maintain, and disseminate cases of child abuse are not sufficient to protect suspected abusers under the constitution, and have argued for stronger protections (Debler, 2012).

### ***Burden on vulnerable populations***

Similar to the consequences of criminal convictions, critics of child protective systems also argue that child abuse investigations and registries place an unfair burden on certain groups or individuals, namely people of lower socioeconomic status, racial minorities, minor parents (i.e. those under age 18), and women. According to Henry et al. (2019), low-income people and people of color are overrepresented in the child welfare system, and are disproportionately reported and substantiated for child abuse and thus placed on registries. Furthermore, the types of jobs that are required to check both criminal and child abuse registries before hiring (i.e. child care jobs) are largely occupied by women – particularly

women of colour (Henry et al., 2019; Krohn & Gullen, 2017). For example, according to 2018 statistics, over 90% of child care workers, preschool and kindergarten teachers in the US were female and almost 40% of child care jobs were held by women of color (Henry, 2019). As a result, employment opportunities for low-income women and women of colour may be disproportionately impacted by child abuse registry policies.

In addition, as noted by Barry (2018), minor parents – particularly those living in poverty – are also more likely to have cases of child abuse or neglect initiated against them and to have their children removed from their care compared to adult parents, which then has major ripple effects on their life, including future job prospects.

### ***Impact on children***

While most agree that child abuse registries serve their main purpose of protecting children from the risk of harm, it has also been argued that the consequences of being investigated for child abuse on parents may paradoxically decrease the well-being of children in the long run. If parents are prevented from finding employment as a result of being listed on a registry, their economic prospects are threatened and the family, including children, are more likely to live in poverty. This may then lead to an increase in poverty-related child maltreatment (Henry et al, 2019). Indeed, several studies have found an association between indicators of family poverty, risk of maltreatment, and experiences of maltreatment, as well as an increased risk of recurrent reports to child welfare authorities (Kohl et al., 2009; Fallon et al., 2011).

Again, the implications may be even stronger for women, particularly women of color, who are more likely to face barriers in finding employment in the fields of child care and health care after being placed on a registry. The proportion of household income that comes from women's earnings has increased in recent decades - women were the sole or primary income earners (contributing over half of the family's income) in approximately 40% of households in the US (in 2013) and Canada (2015) (Krohn & Gullen, 2017; Fox & Moyser, 2018). In addition, it has been reported that low-income women of color are the most likely demographic to be accused of child abuse and neglect, often resulting from poverty and stress. The cycle of unemployment, poverty, and child abuse that may result from being listed on a registry is thus an important consequence that must be considered when evaluating registries and expungement procedures.

## **3.2 Arguments against expungement**

### ***Enhancing child protection***

The main argument against the expungement of records from child abuse databases and registries is the need to protect children first and foremost and prevent maltreatment. While most researchers and professionals acknowledge the need to protect innocent individuals who are accused of child abuse, they argue that it is more important to protect children who may be at risk, and that increasing protections for suspected abusers would infringe on the rights of children (Hollenbeck, 2001).

### ***Maintaining databases for information purposes, monitoring and evaluation of child welfare services***

Furthermore, in order to better protect children and identify those at risk, some argue that it is necessary to keep all case records of reported child abuse – whether substantiated or unsubstantiated – on file for information purposes, including statistical analyses and data collection, and tracking patterns of maltreatment. The more information that is included in the system, the more accurate and detailed data collection and monitoring efforts can be; and the more case reports that are included, the better child welfare workers are able to diagnose potential cases of child maltreatment (Hollenbeck, 2001).

In addition, case records may be important for informing best practices and improvements in child welfare services. For example, prior records may help to evaluate the effectiveness of services and interventions provided to families as a result of reported abuse, or to identify areas where better training or monitoring is needed (PennState, 2018). In Ontario, data from prior records are used to evaluate the performance of children's aid societies (CASs) and improve outcomes for children and youth who are receiving child welfare services (Ontario Association of Children's Aid Societies, 2018). Results are reported on five performance indicators (PIs) focusing on progress towards three key outcome areas: safety, permanency and well-being of children. Data from CASs are also provided to other studies or databases in Ontario to conduct program evaluations, influence policy, and to inform advocacy strategies. Thus the preservation of information from all investigations conducted by child welfare agencies is essential for informing policy and practice.

### ***Prevention efforts***

Another reason for keeping all reported instances of child abuse in databases without expunction is to maintain case histories for repeat offenders and thus help to prevent future harm. As noted by researchers such as Putnam-Hornstein et al. (2013), children who are referred to child welfare services for abuse or neglect often face multiple risk factors that result in high rates of rereferrals and even death from subsequent maltreatment – even when the initial allegation was unfounded. For example, data from child welfare agencies in Ontario on safety PIs has been used to track cases that return to the child welfare system after an initial investigation was closed.<sup>19</sup> Results from 2010-2017 show that while the majority of families who were investigated for child protection concerns did not have a recurrence within 12 months of when the case was closed; 14-16% of families

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<sup>19</sup> For these analyses, closing a case following an investigation assessment suggests that there are no child protection concerns requiring ongoing CAS involvement or there are factors that are present that are beyond the control of the agency.

were later reinvestigated within 12 months with child protection concerns verified<sup>20</sup> (Ontario Association of Children's Aid Societies, 2019). This points to the challenge of accurately assessing children's risk level and the need for heightened monitoring of all children who are referred to child welfare agencies. It also suggests that the expungement of prior case records would have implications for tracking and preventing recidivism of child maltreatment, as it essentially "would erase all evidence relating to the pattern" (Debler, 2012, p. 32). In other words, child welfare workers would be missing vital information from prior investigations that could assist in identifying children at risk (PennState, 2018; Pierce & Feely, 2020).

Many states in the US use the criteria of substantiation to determine whether to expunge case records. For example, as mentioned in Section 2.5, some states expunge records immediately upon determining that the reported abuse is unsubstantiated, whereas others keep the records on the registry for a few years (although generally a shorter time period than substantiated cases). However, previous researchers have argued that unsubstantiated cases have a great degree of variation or heterogeneity, and that some unsubstantiated cases may still have high levels of harm or future risk, even if the evidence during the investigation was not sufficient to meet the state guidelines for placing the individual on the registry (Kohl et al., 2009). Furthermore, the required level of evidence needed for substantiation varies across states, contributing to the variation in the level of risk across cases. There is some evidence from the US demonstrating that there is no difference between substantiated and unsubstantiated cases of child abuse in the risk of future maltreatment, and thus substantiation is not a good predictor of recidivism among child abusers:

- Data from the National Survey of Child and Adolescent Well-Being, a national probability study of children and families investigated for child maltreatment between 1999-2000, were analyzed to examine whether cases that were initially classified as either substantiated or unsubstantiated differed in rates of recidivism over 36 months afterwards (as classified by either: any rereports, substantiated rereports, or subsequent foster care placements). Overall, 17% of cases had a rereport during the study period. After controlling for case characteristics, there were no differences in risk of recidivism on any of the three outcomes between substantiated vs. unsubstantiated cases (Kohl et al., 2009).
- Another study that used data from one state's child welfare system examined rates of subsequent child abuse reports among cases with an unsubstantiated first report between 2014-2019. The data showed that over one-third (36%) of cases with an unsubstantiated first report had a subsequent report within 4 years. The risk of rereport was highest within the first year, and then declined. A comparison with substantiated cases over the same time frame found no difference in the rates of

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<sup>20</sup> The results do not identify whether the same child in the family experienced a recurrence of protection concerns; only that concerns have reoccurred in the same family. In addition, the recurrence may be for any kind of concern, not necessarily the same concern as the original investigation.



subsequent reports (Pierce, 2020).

These findings suggest that the use of the substantiation classification in child welfare policy and practice should be questioned, especially if it is used to make decisions such as placement on central registries. The researchers argue that all cases records should be retained regardless of substantiation status, except for clearly erroneous or malicious cases, which can be safely expunged (Kohl et al., 2009). Maintaining such records could be useful in showing patterns over time that highlight the need for services. In particular, the data from Pierce (2020) suggests that all records should be maintained for at least five years in order to capture the majority of re-reports; any shorter time frame for expunction would result in missing case history data.

### 4.0 Court Cases in the United States

In the United States, child abuse registries and the procedures regarding the inclusion and exclusion of individuals on the registries have been the subject of a number of court cases where claims of due process violations have been made. In several states, the courts have determined that central registries fail to adequately protect an individual's constitutional rights to due process<sup>21</sup>, often resulting in changes to the procedures by which registries operate (Debler, 2012). In most cases, the issue is whether an individual has been deprived of their fundamental rights to liberty as a result of being named on an employer-accessible registry, such as the loss of the right to obtain employment. Other cases have focused on procedural due process violations, involving protections for individuals before their name is added to a registry, such as the right to a hearing or appeal.

A review of some of the key court cases and decisions is summarized below. However, it should be noted that there have not been a great number of cases in federal courts; which may be due to a couple of reasons: first, many people accused of abuse and listed on registries may not have sufficient funds to obtain legal assistance and pursue litigation; second, there is little federal oversight of state registries and their procedures (Sen, 2020; Sherman, 2011). The lack of federal rulings may create uncertainty both for states in maintaining their registries, and for individuals who wish to challenge procedures (Sherman, 2011).

- A precedent in determining whether one's due process rights have been violated was set in a 1983 Supreme Court case, *Paul v. Davis*, in which the plaintiff claimed that his rights were violated when police shared his name and image on a flyer as a convicted shoplifter and was stigmatized as a result (Hollenbeck, 2001; Sen, 2020).

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<sup>21</sup> The Due Process Clause of the Fourteenth Amendment to the United States Constitution requires that certain steps must be taken before the state can deprive a person of rights accorded to them by the state. A state cannot deprive a person of a liberty or property interest without providing an appropriate opportunity for review (Sen, 2020, p. 870)

However, the Court decided against the plaintiff and determined that damage to one's reputation alone is not sufficient to invoke the procedural protections of the Due Process Clause. Instead, the reputational harm must be accompanied by some other "more tangible" component in order to meet the criteria for a loss of protected liberty interests, such as loss of employment opportunities. This is known as the "stigma-plus" test. While this case was based on a criminal record, the decision has since been used by courts as a standard to evaluate claims against child abuse registries as well, to determine whether being listed on registries infringes on one's rights beyond just reputation.

- For example, cases such as *Valmonte v. Bane* (1994), *Dupuy v. Samuels* (2005), and *Humphries v. County of Los Angeles* (2009) all determined that one's employment opportunities are impacted by being listed on an accessible child abuse registry, thus meeting the stigma-plus test and depriving a protected liberty interest (Sen, 2020).
- In the *Humphries* case, the plaintiffs were parents who were unable to remove their names from the California state registry even after a court found they did not commit the alleged child abuse. The Court of Appeals for the Ninth Circuit found that "*The lack of any meaningful, guaranteed procedural safeguards before the initial placement on CACI [Child Abuse Central Index] combined with the lack of any effective process for removal from CACI violates the Humphries' due process rights*" (*Humphries v. County of Los Angeles*, 554 F.3d 1170 (9th Cir. 2009)).
- However, not all courts have found potential impacts on employment opportunities or prospects to be sufficient under the stigma-plus test and have dismissed claims for failing to demonstrate a specific and concrete loss of one's liberty interests (ie. a tangible loss of employment or salary) (Sen, 2020; Navid, 2011).
- The *Mathews v. Eldridge* Supreme Court case in 1976 also set a standard for courts when evaluating the procedures used by states in determining whether to place an individual's name on a central registry. The Court established three factors that should be considered in determining the adequacy of these procedures to protect the individual's due process rights, involving weighing the interests of the individual against the interests of the state. Specifically, the court decided that "*Procedural due process must be evaluated by using a balancing test that accounts for the government's interests, the individual's interests, and the risk of error under the existing process as well as how much additional procedures would help*" (*Mathews v. Eldridge*, 424 U.S. 319, 332 (1976)).
- Some courts have since used the *Mathews* test to determine that due process rights are violated by listing an individual in a central registry without first providing the opportunity for a hearing. For example:
  - *Jamison v. State Department of Social Services Division of Family Services* (2007) – the Supreme Court of Missouri decided that including a case in a

registry after an investigation by child protective services alone is not sufficient to balance the loss of liberty that comes from being registered, if employment could be affected.

- Similarly, in the *Matter of W.B.M* (2010) – the North Carolina Court of Appeals also decided that listing an individual on the state registry prior to a hearing was unconstitutional.
- In several of the above cases (*Valmonte v. Bane*, *Jamison v. State Department of Social Services Division of Family Services*, and *In the Matter of W.B.M*), the court further determined that the standards of proof used to substantiate reports of child abuse are constitutionally deficient because they produced an unacceptable risk of error under the Mathews test. For example, the Valmonte court found that in about one-third of cases of reported abuse based on the standard of only “some credible evidence”, the state ultimately removed the individual’s name from the registry after a hearing (Sherman, 2011). In each case, the court held that a report of suspected child abuse must be substantiated by a ‘preponderance of the evidence’ before an individual’s name can be added to a state registry (Hollenbeck, 2001; Huntzinger, 2020).
- In addition to claims of due process violations, courts have also considered the issue of defining child abuse in determining whether a record of reported child abuse should be expunged. In Pennsylvania, where expungement procedures are more stringent than in other states, the Supreme Court decided in 2003 (in *P.R. v. Commonwealth, Department of Public Welfare*) that an act of corporal punishment by a parent that results in serious injury to a child may only be considered as child abuse if it results from criminal negligence, defined as having intent to inflict pain and foreseeable risk (i.e., the parent should have known that their actions would result in an injury). The court in this case expunged the plaintiff’s record, which in Pennsylvania means the entire record was deleted from the CPS system and cannot be recovered. This set a precedent for allowing expungement of all records of corporal punishment by parents resulting in serious harm to children, if it can be argued that the act did not meet the definition of child abuse (Behney, 2003).

### 5.0 Objectives

The central objectives of the literature scan (LS) are threefold:

- 1) to identify the breadth and scope of existing research evidence exploring the issue of data expungement in the field of child welfare;
- 2) to uncover the range and nature of research activity on the topic; and
- 3) to provide an assessment of the value of undertaking a much more rigorous review of the topic that can be utilized to inform policy development and practice.

## 6.0 Research Methods

A scan of both peer-reviewed journals and grey literature was conducted to: determine the depth and breadth of information available; and identify, collect and synthesize information relevant to the issue of data expungement in the field of child welfare. The LS for this study involved a series of steps which included:

- 1) the identification of key words/search terms
- 2) the identification of relevant data sources
- 3) the development of search strategies
- 4) an extensive and detailed search of peer reviewed and grey literature
- 5) literature screening and data extraction
- 6) a synthesis of the literature.

### 6.1 Keywords/Search Terms

The list of keywords/search terms in Table 2 was developed by examining existing abstracts and/or literature for alternative words, subject headings and phrases. Throughout the search process, keywords/search terms were added, deleted or modified as different terms were discovered to enhance the search strategy.

**Table 2. Keywords/Search Terms**

expungement; child welfare, child abuse, child maltreatment, registry
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### 6.2 Data Sources

Two categories of data sources were selected for the LS: 1) peer-reviewed journals found in electronic databases; and 2) internet based grey literature. An extensive number of electronic databases were searched to identify relevant literature, including descriptive qualitative and quantitative studies for review. Databases searched included: Applied Social Sciences Index and Abstracts (ASSIA); Education Resources Information Center (ERIC); JSTOR; ProQuest; PsychINFO (OVID); Scholar's Portal; Scopus; Web of Science; and HeinOnline. For a brief description of each database, please see Appendix B – Sources of Information (Peer Reviewed).

The LS was expanded to include web based grey literature which included: dissertations and theses; conference proceedings; government publications; white papers; and working papers. Various search engines, research portals, dissertations and theses depositories and institution-specific websites were utilized for the identification and collection of relevant data. For a detailed list, please see Appendix C – Sources of Information (Grey Literature).

An initial scan was conducted from November 30 to December 2, 2019. The search was later revisited and expanded from August 25 to September 5, 2020.

## 6.3 Search Strategy

Search strategies were developed to meet the specifications and search parameters of each unique database. Search strategies that were used to maximize the number of relevant records retrieved included:

- 1) keyword and or exact phrase searches in the title, abstract or subject heading of a reference;
- 2) using Boolean operators (AND, OR and NOT) for different combinations of search terms; and
- 3) if available, filters specific to the database were used to refine and/or limit search results, allowing for the retrieval of relevant documents. Due to the limited availability of relevant literature, filters were used sparingly throughout the search process to ensure that no literature was overlooked.

Search strategies were tested and refined after search results were reviewed. After reviewing results, it was decided to limit the search results to literature published from the year 2000 through to the present in order to retrieve the most relevant results. A hand search of reference lists was also used to supplement searches. Citation searching is effective in the identification of new and current literature on a subject, resulting in a much more comprehensive search and literature review.

## 6.4 Literature Selection, Data Extraction and Synthesis

The title and abstracts of records retrieved from the databases and grey literature were screened for key words and any duplicates removed. The absence of variables of interest (e.g. keywords) relevant to the research objective were used as exclusion criteria. Pertinent information was extracted from the literature and presented in tabular form.<sup>22</sup> The extracted data included: the studies' author(s) and year of publication; the source of literature (i.e. peer-reviewed or grey literature); study objectives; a synthesis of results/findings; and conclusions/implications. The literature synthesis tables were then used to complete the remaining sections of the literature scan document.

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<sup>22</sup> Note: the literature synthesis tables were developed and used during the review process but have not been included in this final document.

## 7.0 Results of the Literature Scan

The results of the literature scan revealed a limited number of published articles that addressed the issue of data expungement from child welfare databases, and none were from Canada. As most states in the US maintain records of reported child abuse in the form of a central registry, most of the literature focused on issues surrounding the placement of individuals on these registries, rather than the broader information systems that may be used by child welfare agencies to track all reports. While the literature has largely been exploratory and untested, a few studies have analyzed data from the US to examine the impact of different standards of evidence used to substantiate reports of child abuse and place individuals on registries.

A central theme found in the literature was the need to balance the rights of children with the rights of their caregivers. While state central registries serve an important function of protecting children from the risk of abuse or maltreatment, they may also have serious negative consequences to the individual suspected of abuse, including barriers to employment and other opportunities. Some articles (e.g. Henry et al., 2019; Luciano, 2019) also focused on the disproportionate burden of central registries on people of low income and people of colour, particularly women. As noted by Henry et al. (2019), it is important to consider the possible ways that being listed on a registry may actually undermine child well-being by increasing the risk of family poverty and its associated outcomes. Another theme found in the literature, particularly in the law databases, was the issue of due process rights for suspected perpetrators by placing their names on a registry without providing the opportunity to appeal or remove their record, even if they were found to be not guilty.

Many reviews and critiques of child abuse registries (e.g. Hollenbeck, 2001; Owhe, 2013; Sen, 2020) have argued for policy changes such as increasing protections for suspected perpetrators or raising the standard of proof used to substantiate reports of child abuse or neglect, which would reduce the number of substantiated reports included in databases or registries. For example, an analysis by Kahn et al. (2017) examined data from states where the standard of proof for substantiation of child maltreatment was increased and found that a higher standard is associated with a lower rate of substantiation, as expected. The authors also suggest that increasing protections for parents by raising the standard may not only reduce the likelihood of wrongful accusations, but it may also result in fewer children being placed in foster care, and greater provision of other types of services for families.

However, while these measures may help to reduce the hardships caused by registries on individuals and create more consistent standards, it is important to consider the full impact of such changes, including any possible risks to children. For example, given that many states expunge unsubstantiated case records or keep them on file for a shorter time period, a decrease in substantiated cases could result in a lower likelihood of identifying children at risk who were the subject of previous child welfare reports and referrals. Kohl et al.

(2009) and Pierce (2020) both found no difference between substantiated and unsubstantiated cases of child maltreatment in the likelihood of subsequent reports, demonstrating both the variability in cases and the benefit of maintaining all reported cases of abuse on registries rather than relying on specific classification terms. As noted by Green et al. (2015), *“Unsubstantiated reports are a critical source of information about child maltreatment, given the variability across states in how, when, and to what extent reports are investigated... as well as the evidence suggesting little or no difference between substantiated and unsubstantiated cases in regards to risk factors or future risk.”*

Furthermore, the data on child protective service investigations and their outcomes that is maintained in agencies' information systems may not only help in prevention efforts, but can also serve as a valuable resource for understanding and evaluating child welfare services and their impact. Enhancing the ability of child welfare agencies and researchers to access and utilize this administrative data can lead to more evidence-based practice and policies.

Finally, in addition to the literature on data expungement from child abuse databases, a brief scan of the literature on data expungement for juvenile crimes was conducted to provide an alternative perspective on the consequences of registries. The results of this scan revealed the importance of rehabilitation within the juvenile justice system and defining more flexible responses for those convicted of crimes as juveniles, in order to reduce or avoid lifelong costs associated with having a record.

### 8.0 Conclusions

The results of the literature scan demonstrate a scarcity of research on the topic of data expungement in child welfare. The majority of the research is grey literature in the form of law review articles and briefs, and focuses primarily on the consequences of child abuse central registries in the United States rather than expungement specifically. The lack of federal oversight of child abuse registries in both the US and Canada, as well as the lack of definite federal rulings in this area along with sometimes unclear or inconsistent definitions and standards of child abuse and neglect continues to leave some uncertainty both for courts, and individuals who wish to challenge the decisions and outcomes of child maltreatment investigations (Sherman, 2011; Navid, 2011; Luciano, 2019).

What is clear from the literature is that there are potential consequences both for wrongly accusing parents or caretakers of child abuse or maltreatment and including them in child welfare information databases or registries, and for failing to identify actual cases of child abuse or maltreatment as a result of the procedures and standards in place for identifying children at risk. Therefore, there is a need for balancing the protections for those accused of child abuse against the need to protect children from harm. Given the level of disagreement by both courts and scholars on this issue thus far, in addition to the large variation in procedures across jurisdictions, it is also clear that there is a lack of consensus as to what procedures would best serve due process and protect children. There is a need



for more robust research on the topic of expungement, including a more critical examination of child abuse registries and their consequences for both children and adults.

### **8.1 Limitations of this research**

As discussed above, a limitation of the existing research is the gap in the literature for countries outside of the United States. While the overall approach to regulation of child protective services is similar in Canada and the US – with legislation in both countries being administered at the regional (states or provinces) rather than national level, resulting in a wide degree of variation across regions – there are also important differences in the approach to child welfare services in the two countries that has not been addressed in the existing literature. A better understanding of these differences and the applicability of legislation and policies in the US for Canadian provinces would be useful in evaluating possible approaches for policies and procedures in Canada. In particular, there is a need for more research on the impact of child abuse registries for minorities and vulnerable groups, including Indigenous populations. In addition, most of the research is descriptive or exploratory in nature, and there is a lack of evidence on the effectiveness of registries in actually reducing rates of child maltreatment and the potential impact of changes to policies or standards regarding child abuse databases and expungement.

### **8.2 Future research**

To overcome the limitations of the existing research and provide a clearer understanding of the issue of data expungement in child welfare, it is recommended that more research is conducted to compare and evaluate the various expungement policies that are in place across jurisdictions in order to make evidence-based recommendations for policy improvements. This would include more data on the impact of changes in legislation on outcomes such as reporting rates, substantiation rates, and economic or other harms faced by families, such as the analyses conducted by Kahn et al. (2017). It would also include more studies analyzing rates of rereport or recidivism among child abusers such as those conducted by Kohl et al. (2009) and Pierce (2020), which would help to shape appropriate policies for maintaining case records in databases. As noted by Kohl et al. (2009), more generalizable efficacy studies conducted with real-world populations is called for. More research is also needed to explore alternative approaches to current procedures for the placement and removal of names in child abuse databases and registries, including those described in Section 8.3 below. Finally, there is a need for more research on Canadian policies and the impact and effectiveness of current systems, including child abuse registries in Manitoba, Nova Scotia, and Ontario.

### **8.3 Implications for policy**

Researchers have offered several suggestions and recommendations for improvements to child welfare systems and the ways they operate. While most have focused on changes to child abuse registries and improved service options, some may have implications for data

expungement as well. A review of some of these suggested policy changes is summarized in this section.

### ***1. Increase protections for suspected perpetrators***

Several scholars have argued for the need to increase procedural protections for individuals accused of child abuse to better align with their constitutional rights in the United States. This includes measures such as:

- a) Providing adequate notice to individuals when a report of child abuse has been made, including informing them of procedures and ensuring they understand and have the opportunity to respond to these notices;
- b) Allowing better access to case records for individuals who have been reported;
- c) Allowing individuals to challenge allegations at a hearing prior to being placed on a registry and within a reasonable timeframe; including abolishing or extending the deadlines given in some states for individuals to request expunction of their record;
- d) Providing the opportunity for a fair hearing in which individuals may challenge their inclusion in a child abuse registry or database; and
- d) Improving the appeals and expunction process by making it easier to quicker to navigate. For example, according to Sen et al. (2020), states should automatically expunge a report from a registry if a court has dismissed the finding of abuse – a procedure that few states actually follow, meaning that individuals are often forced to appeal their reports even when a court has already found that the alleged abuse did not occur. In contrast, many states prevent parents from appealing decisions to list them on a registry when a court has made a finding against them, suggesting a need for more balanced procedures.

### ***2. Raise the standard of evidence required to substantiate reports of child abuse***

Many researchers and courts have recommended that states use the higher standard of “the preponderance of evidence” rather than “credible evidence” or an even lower standard when investigating reports of child abuse and neglect and assessing whether to include cases on a registry. According to Sherman (2011, p. 896), *“States should adopt the standard that provides the strongest protection of individual rights, is consistent with the goals of protecting vulnerable populations, and does not present an undue financial or administrative burden on the state”*.

The state of Missouri provides one case study for evaluating the potential impact of raising the standard of evidence. Missouri implemented a new law in 2004 changing the standard of evidence needed to substantiate a reported case of child abuse from “probable cause” to the more stringent “a preponderance of the evidence”. This change came after a high-profile death of a young child by his foster parent, resulting in a call for legislative reform of

the child protective system to strengthen protections for parents and avoid unnecessary placements of children in foster care. Kahn et al. (2017) demonstrated that the change in the standard decreased the overall probability of substantiation of child abuse allegations by 3% in Missouri in the two years following the change. Studies have shown that while the total number of reports of child abuse and neglect fell in the year immediately following the legislative change in Missouri, the number of children who were the subject of child maltreatment investigations actually increased between 2006-2009. This finding suggests that contrary to arguments that a higher evidentiary standard would lead to an increase in unreported child abuse, increasing the standard does not necessarily lead to a decrease in the number of reported incidents in the long term (Kahn et al., 2017; Owhe, 2013).

### ***3. Move away from current labels used to classify and assess risk***

As described earlier, some have argued that current classifications used to determine whether child abuse has occurred in an investigation (i.e. “substantiated” or “unsubstantiated”) are highly variable both across jurisdictions and in terms of actual level of risk. Researchers Kohl et al. (2009) suggest that labels used in child welfare cases should be changed to better reflect reality and focus more on risks and service needs in the family. For example, instead of the current “substantiation” label, they suggest a more restrictive label of “appropriate for court intervention” to indicate that there was enough evidence and risk of harm in a case to invoke family court. According to the researchers, *“Tracking such a real-world construct would make far more sense than counting “substantiated” cases”* (Kohl et al., 2009, p.25). Furthermore, understanding and tracking service needs (i.e. parenting support, financial support) would improve policy planning.

### ***4. Diversion of some cases to alternate response systems***

Advocates of the Community Partnership approach (as described by Hollenbeck, 2001) argue that state child welfare officers should focus their efforts only on investigating and servicing the most severe cases of child maltreatment, to save resources, while less serious cases should be delegated to private community organizations offering voluntary support services to families. These less severe cases would not be listed in the state registry; thereby limiting the number of cases included on the registry and reducing the stigma associated with being listed on the registry. This type of approach represents a multi-level or multidisciplinary approach to child protective services involving constructive interactions and coordination between stakeholders interested in child health and well-being. As described in a 2010 manual: *“Community partnerships bring child welfare agencies together with community organizations, service providers, concerned neighbors, and family members to help prevent children from entering the child welfare system and to provide families at risk or in crisis with access to services and supports.* (Office on Child Abuse and Neglect, Children’s Bureau, 2010, p.5).

Miller (2011) advocates for a similar approach where cases of child abuse and neglect are treated differently depending on the severity of the case. In this view, given the potential

lifetime consequences of being placed on a registry, parents who commit minor (non-criminal) acts of abuse or neglect should not be placed on the same registry as those who have been convicted of more serious offenses. Instead, there should be alternate options provided for these individuals that would help to remove barriers to employment, such as expungement, rehabilitation, or diversionary programs – similar to what may be offered to registered sex offenders or other criminals.

Some states do already provide an alternate or differential response system - a relatively recent approach in child welfare whereby the more serious reports of child abuse receive a formal investigation that could lead to substantiation, while other (i.e. lower risk) reports are instead referred for an assessment of family needs so that appropriate services can be provided – often on a voluntary basis (Kahn et al., 2017; Font et al., 2019). Proponents of these systems argue that they allow child welfare authorities to more quickly respond to reports of child maltreatment with services that meet the immediate needs of families, which may then reduce the number of placements in foster care (Kahn et al., 2017). Font et al. (2019) also suggest that focusing investigations on families' risks and needs and providing services regardless of whether the abuse has been confirmed or substantiated (i.e. 'decoupling' substantiation and service provision) may be a more efficient use of limited resources. These systems are likely to result in fewer substantiated reports, which may further reduce the usefulness of substantiation as an indicator of child maltreatment (Green et al., 2015).

### ***5. Provide targeted services and interventions for more vulnerable people***

Similar to the alternate response approach, some researchers argue that child welfare services should recognize and support more vulnerable families and individuals, such as women, lower-income families, and families with substance abuse or mental health issues, by providing targeted social services and interventions. This may include educational opportunities, job training, housing assistance, and mental health or substance abuse treatment programs. According to Kohl et al. (2009), access to services that could help alleviate stressors associated with living in poverty may be important for reducing recidivism rates, and assisting with basic needs such as housing may be more useful than other more complex interventions. As described by Fallon et al. (2011), even families where child maltreatment has not yet occurred but with certain caregiver or societal characteristics that place children at higher risk of maltreatment still need services to address their needs and issues in order to prevent future harm.

In reference to criminal records, Krohn & Gullen (2017) argued that policy efforts must “include and emphasize substantive areas of particularized import to women” (p.274). For example, women with minor criminal records should be offered the chance to enter treatment programs rather than being incarcerated. The authors also recommend expanding expungement laws so that minor crimes are protected from public view, thus helping to give women – particularly women of color - a fairer opportunity to compete in

the job market. While this type of approach is more relevant to criminal records, it may be applicable to the expungement of certain child abuse records as well.

### ***6. Maintain case records only for certain purposes***

While child abuse reports are primarily used for the identification and prevention of child maltreatment, there are other uses for the databases that maintain these reports, such as record-keeping and providing statistical information for research and planning purposes (see Section 2.2). One possible approach recommended by the PennState Social Science Research Institute (2018) is to focus on these other internal uses of child abuse databases and limit unrestricted access to case records for purposes such as employment and background checks. These researchers argue that this more balanced approach would maintain case records without expunction but would restrict the information so that it is only accessible for purposes that protect children, including research to strengthen child protective services. Specifically, they recommend that records in registries “*be maintained internally for uses that promote child well-being, enhance caseworker efficiency, and enable research that informs the responsible and effective use of tax dollars*”. Green et al. (2015) also recommend that state child welfare agencies should maintain all records of reported child abuse, including unsubstantiated reports, so that this information can be utilized for research purposes, such as the evaluation of interventions and programs for the prevention of child maltreatment.

### ***7. Improve consistency of data collection procedures across jurisdictions by creating a national registry***

Given the variation across states and provinces in the legislation of registries and expungement procedures, one policy option could be to centralize data on perpetrators of child abuse by creating a national registry. This has been proposed in the US under the 2006 Adam Walsh Child Protection and Safety Act, which established a national sex offender registry and also directed the Secretary of Health and Human Services to establish a national registry of substantiated cases of child abuse and neglect. An advantage of a national registry would be the ability to identify previous cases of child maltreatment that may have occurred in other jurisdictions and improve the efficiency of information sharing across states (McDonald, 2012). Another advantage would be improved quality and accuracy of data for research and evaluation purposes. As noted by researchers such as Green et al. (2015), accessing, combining and interpreting relevant information from child welfare administrative databases across states currently comes with many challenges and limitations, especially given the variation in procedures across states. If federal and state agencies were to move towards greater consistency in record keeping and procedures for accessing child welfare data, the usefulness of these data systems for research and policy evaluation would improve and expand.

According to a study assessing the feasibility of such a national registry in the US (McDonald, 2012), the foundations for a national child abuse registry already exist given

that nearly all states maintain the necessary data. In addition, the technical capacity exists and there is high interest in creating a national registry. However, in order for a national registry to be useful, a majority of US states would need to participate, and most would need to change their laws in order to participate. Legislative changes would also be needed at the federal level to allow for the collection of minimum information needed to accurately identify perpetrators in the national registry.

### ***8. Enhance resources and support for child welfare research to improve services***

The above suggestions to maintain case records for research and evaluation purposes and improve data collection procedures will only be impactful with adequate resources and capacity for mobilizing research efforts in Canada. As noted by researchers such as Fallon et al. (2017) and Trocmé et al. (2016), the paucity of child welfare research in Canada may be due to several factors, including limited resources and support for research; lack of training and research capacity for utilizing data; barriers in accessing longitudinal administrative data; and the absence of infrastructure that would enable linking child welfare data to other data sources (i.e. census data or mental health data). Therefore, providing the necessary supports to child welfare agencies to enable them to use the data they collect more efficiently and effectively would help to better understand child welfare services and their impact, and translate this knowledge into practice.

One method of research capacity building that has successfully been implemented in Canada is research-community partnerships. For example, the Building Research Capacity (BRC) initiative is a partnership between researchers at McGill University and community organizations, including First Nations and mainstream youth protection agencies (Trocmé et al., 2016). BRC was developed to build institutional capacity among youth protection organizations to conduct evidence-based research that would help to better understand and inform child protective services in Quebec. One of the core components of the BRC was to provide services and training to support the use and analysis of administrative service data on children who have been involved with child protections agencies in Quebec. Another example is the formal partnership between the University of Toronto, clinicians, policy analysts, and researchers from child welfare agencies across Ontario that was developed to advance the evidence base with respect to service provision in Ontario. One of the key objectives of this initiative was also to enhance the capacity of service providers to access and analyze administrative data from child welfare systems, in order to better understand service trajectories and outcomes (Fallon et al., 2017).

These examples demonstrate the potential of using administrative data from child welfare agencies for research and evaluation of child welfare services and programs, and the advantages of maintaining rich and accessible administrative datasets and information systems within the child welfare sector.

### ***9. Consider alternate approaches for juveniles/minors accused of child maltreatment or other crimes***

When a report of alleged child abuse or neglect is made against a parent who is a minor themselves, the impact on their lives may be more pronounced. Most states do not distinguish between minors and adults in the investigation and treatment of cases of child maltreatment. However, Barry (2018) has argued that minors should be considered differently than adults and provided with more flexible options, as they are in other legal systems. One policy option is to provide minors with the opportunity to expunge their record once they have turned eighteen, or after they have shown proof of rehabilitation, as is done in Arkansas. Another option is to distinguish between minors and adults in the state central registry, as is done in Vermont, and to consider the age of the individual in assessing their level of risk.

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## Expungement of Data in the Field of Child Welfare

### Appendix A – Child Abuse Registries and Policies in Canada

Table 3 provides an overview of the legislation governing child welfare in each province and territory, and any existing policies and procedures for child abuse registries and expungement of records, and any information on the standards used for verification of child abuse allegations.

**Table 3 Child Abuse Registries and Procedures by Province/Territory**

Province	Legislation (Date)	Registry	Information on registry, record checks, and expungement procedures	Standards for verification
Alberta	<i>Child, Youth and Family Enhancement Act (2004)</i>	No	No official registry but Child Intervention Record Checks may be completed through children’s services. This service is targeted to individuals who will be working directly with children and youth; applicants for a foster home license or child and youth facility license; and applicants to be a kinship care provider. The check (also known as a Child Welfare Check) states whether a person has been involved in a child intervention investigation or has placed a child under the protection of the Child, Youth and Family Enhancement Act. <sup>1,2</sup>	Not specific – the director determines whether the child is in need of intervention.
British Columbia	<i>Child, Family and Community Service Act (2000)</i>	No	Social workers must investigate all reports of child abuse, but if they find that no protection is needed, the case file is closed.	Not specific.
Manitoba	<i>Child and Family Services Act (1985) and Child and</i>	Yes	The registry contains the names of individuals found to have abused a child – either by a court or a child abuse committee established by a child and family service agency. Access to the registry is only allowed for certain	When an allegation of child abuse is received by a child service agency, the agency establishes a child abuse committee (which consists of a

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	<i>Family Services Authorities Act (2003)</i>		<p>individuals/groups: employers (when the work involves access to children); peace officers; adoption agencies; child and family service agencies; and a person who believes their name is registered.<sup>3,4</sup></p> <p><u>Expungement:</u> A name is kept on the registry for 10 years, or until the child turns 18 years old, whichever comes last. Individuals have 60 days upon receiving notice of the intent to register their name to file an objection. A court hearing will be held to determine whether abuse occurred and whether the name should be entered into the registry. The court decision is final.</p>	<p>medical practitioner, police officer, school representative, and agency staff) to review the case. The opinion of the committee is determined by a majority vote as to whether they believe abuse occurred and whether the name of the person should be entered into the registry.<sup>5</sup></p>
New Brunswick	<i>Family Services Act (1980)</i>	No	<p>While a registry is not currently in place, an independent review of the province's child protection system that was submitted to the Department of Social Development in 2018 recommended the adoption of a child abuse registry, along the lines of the one in Nova Scotia.<sup>6</sup></p>	<p>Cases may be 'substantiated' (meaning it is more probable than not that the harm or risk of harm has occurred, currently exists, or is likely to occur); 'unsubstantiated' (it is not more probable than not that harm occurred); or 'inconclusive'.</p> <p>In applying the "more probable than not" test, the social worker must consider whether the evidence is both credible and persuasive.<sup>7</sup></p>
Newfoundland and Labrador	<i>Children and Youth Care and Protection Act (2011)</i>	No	<p>No official registry; however, child protection clearance checks may be requested by employers, child care services, foster parent or adoption applications.<sup>8</sup></p> <p>Individuals may also apply for a review of the child protection clearance check decision within 30 days.<sup>9</sup></p>	<p>Investigations may result in one of three outcomes: allegations not verified; allegations verified but child is not in need of intervention; allegations verified and the child is in need of protective intervention.</p>

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Northwest Territories	<i>Child and Family Services Act</i> (1998; revised 2016)	No	If a report of suspected child abuse is made, a child protection worker conducts an investigation and completes a report that is filed. If no further protection or services are needed, the file is closed.	Assessment outcomes may be either: 'unfounded' (where the evidence does not support the allegation); 'founded' (evidence is sufficient to establish the truth of an allegation); or 'inconclusive' (insufficient evidence to determine truth). <sup>10</sup>
Nova Scotia	<i>Children and Family Services Act</i> (1990; revised 2016-17)	Yes	<p>The Child Abuse Register contains the names of individuals who have been found by the court (Supreme Court Family Division or Family Court in Nova Scotia) to have abused a child. A person who is convicted of a criminal offense against or involving a child under the Criminal Code of Canada is also entered into the register.</p> <p>The register is used to: a) screen prospective foster and adoptive parents; b) screen prospective employees and volunteers who would be working with children; and c) help child protection workers to determine whether a child is in need of protective services.<sup>11</sup></p> <p>Information in the registry is only available to the individual whose name is listed, and to an agency authorized or mandated to investigate whether a child is in need of protective services. An individual may request a search of the Child Abuse Register, and the results are provided in the form of a letter which may be shared with any organization that has requested the check.</p> <p><u>Expungement:</u> a person whose name is entered on the Child Abuse Register may apply to the court to have their name removed. If the court</p>	Not specific – the court determines whether a child is in need of protective services if they have suffered harm or abuse or there is substantial risk of harm.

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			finds that the person does not pose a risk to children, their name is removed. The court decision may also be appealed within 30 days. <sup>12</sup>	
Nunavut	<i>Child and Family Services Act</i> (1998; revised 2014)	No		Not specific – a child protection worker determines whether a child needs protection when a report is made.
Ontario	<i>Child, Youth and Family Services Act</i> (2018; revised 2020)	Yes	<p>The Child Abuse Register is a confidential database of information on reports of alleged child abuse by Children’s Aid Societies (CAS) and is used in child protection investigations. The registry contains information on both abusers and victims (names, demographic data, information about the incident, and actions taken). A report is submitted to the registry only when an investigation of child abuse has been considered as ‘verified’ by CAS and does not typically include cases of neglect.</p> <p>Access to information in the registry may be provided to the following individuals: the registered individual, a child, the child’s lawyer, coroner, medical practitioner, peace officer, employees of the Ministry, the Children’s Aid Society, or a child welfare authority outside Ontario, a person providing counselling or treatment to a registered person, or a person engaged in research.<sup>13</sup></p> <p><u>Expungement:</u> upon receiving notice that a person’s name has been entered in the registry, the registered person may request the Director of Children and Youth Services to remove their</p>	<p>The verification decision in child protection investigations is based on the test of whether it is “more probable than not” that the harm or risk of harm occurred or currently exists. Outcomes of investigations may be: ‘verified’; ‘not verified’; or ‘inconclusive’. In assessing the evidence, the social worker must consider whether the evidence is both credible and persuasive. When an allegation has been verified, it is reported to the Child Abuse Register.<sup>15</sup></p>

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			<p>name. The Director may either grant the request or hold a hearing to determine whether or not to grant the request. If it is determined after the hearing that the information in the registry is in error, the person's name shall be removed and all records amended to reflect the decision. The hearing decision may also be appealed to the Divisional Court.<sup>13</sup></p> <p><u>Note:</u> In addition, an amendment to the law implemented in January 2020 set out a legislative privacy framework for Ontario's child and youth sector, establishing new rules for the collection, use, disclosure of, and access to personal information held by service providers. It provides clients the right to request access and correction to their records; and the right to a complaints process and independent review mechanism related to the collection, use, and sharing of personal information.<sup>14</sup></p>	
Prince Edward Island	<i>Child Protection Act</i> (1988; revised 2013, 2017)	No		Not specific – the director of child protection determines whether a child is in need of protection after an investigation.
Quebec	<i>Youth Protection Act</i> (1984; revised 2016-17)	No	While there is no information available on an official registry, the <i>Youth Protection Act</i> does allow the Government to make regulations to establish a register containing personal information in a child's record. The regulation must indicate which personal information will be entered in the register and on what conditions, and who will be in charge of it. However, the purpose of the register would be	Not specific.



## Expungement of Data in the Field of Child Welfare

			to allow only the Commission (the “Commission des droits de la personne et des droits de la jeunesse”, responsible for protecting the rights of children) and the director of a child protection centre to check if a report has already been made involving the child. The information may only be disclosed under certain conditions, such as when disclosure is necessary to ensure the child’s safety. <sup>16</sup>	
Saskatchewan	<i>Child and Family Services Act</i> (1990; revised 2017)	No	No registry but certain organizations (e.g. CMHA Saskatchewan) may request a child abuse record check as a condition of employment or volunteering.	Verification of allegations of child abuse or neglect during a child protection investigation may have one of three outcomes: ‘substantiated’ (where the weight of the evidence supports a finding that the child suffered abuse or neglect); ‘unsubstantiated’ (the weight of the evidence supports a finding that the child has not suffered abuse or neglect); or ‘inconclusive’ (not enough information) <sup>17</sup>
Yukon	<i>Child and Family Services Act</i> (2010)	No		Not specific – the director of children and family services determines whether a child is in need of protection after an investigation.

## Appendix B – Sources of Information (Peer Reviewed)

Databases	Description
Applied Social Sciences Index & Abstracts (ASSIA)	Designed to serve the information needs of the caring professions, including practitioners, researchers, and students in healthcare, social services, education, and related areas. It is focused on a core of around 500 of the most relevant English language scholarly journals covering aspects of health and social care from a broadly social scientific perspective. Subject coverage includes: education; family; gerontology; health services; housing; mental health services; nursing; social work; and substance abuse.
JSTOR	Electronic database of interdisciplinary peer reviewed journals.
ProQuest	Multidisciplinary search engine of academic journals, newspapers, ebooks, and more.
PsychINFO (OVID)	Contains citation information and abstracts from journals in psychology and mental health. The Ovid platform is appropriate for systematic and scoping reviews as well as other advanced searches.
Scholars Portal	Ontario’s university students, faculty and researchers have access to an extensive collection of e-journals, e-books, social science and geospatial data. Scholars Portal also supports the online interlibrary loan platform for Ontario’s universities, a virtual chat reference service, and other tools designed to aid and enhance academic research in Ontario.
Scopus	Multidisciplinary bibliographic and citation database with extensive journal coverage especially in science, technology and medicine and is expanding its coverage of the social sciences
Web of Science	Citation information and research impact factors for multi-disciplinary journal articles, conference papers, books, and more

## Appendix C – Sources of Information (Grey Literature)

Databases	Description
Search Engines	<ul style="list-style-type: none"> <li>• Google (<a href="https://www.google.ca/advanced_search">https://www.google.ca/advanced_search</a>)</li> <li>• Google Scholar (<a href="https://scholar.google.com/intl/en/scholar/about.html">https://scholar.google.com/intl/en/scholar/about.html</a>)</li> <li>• Bielefeld Academic Search Engine (<a href="https://www.base-search.net/">https://www.base-search.net/</a>)</li> </ul>
Research Portals	<ul style="list-style-type: none"> <li>• ResearchGate (<a href="https://www.researchgate.net/">https://www.researchgate.net/</a>)</li> <li>• King’s College (London) Research Portal (<a href="https://kclpure.kcl.ac.uk">https://kclpure.kcl.ac.uk</a>)</li> <li>• Social Science Research Network (SSRN) (<a href="https://www.ssrn.com/index.cfm/en/">https://www.ssrn.com/index.cfm/en/</a>)</li> <li>• OpenAIRE (<a href="https://explore.openaire.eu/">https://explore.openaire.eu/</a>)</li> <li>• Semantic Scholar (<a href="https://www.semanticscholar.org/">https://www.semanticscholar.org/</a>)</li> </ul>
HeinOnline	<p>Online database providing comprehensive coverage from law-based periodicals, historical and government documents. Also contains the entire Congressional Record, Federal Register, and Code of Federal Regulations, complete coverage of the U.S. Reports back to 1754, and entire databases dedicated to treaties, constitutions, case law, world trials, classic treatises, international trade, foreign relations and U.S. Presidents.</p>
Thesis	<ul style="list-style-type: none"> <li>• Center for Research Libraries Foreign Dissertation (<a href="https://www.crl.edu/collections/topics/dissertation">https://www.crl.edu/collections/topics/dissertation</a>)</li> <li>• Digital Access to Research Theses Europe (DART) (<a href="http://www.dart-europe.eu/">http://www.dart-europe.eu/</a>)</li> <li>• Open Access Dissertations (<a href="https://oatd.org/">https://oatd.org/</a>)</li> <li>• Thesis Canada Portal (<a href="https://www.bac-lac.gc.ca/eng/services/theses/Pages/theses-canada.aspx">https://www.bac-lac.gc.ca/eng/services/theses/Pages/theses-canada.aspx</a>)</li> <li>• Electronic Theses Online Service (ETHOS) (<a href="https://ethos.bl.uk">https://ethos.bl.uk</a>)</li> <li>• ProQuest Dissertations and Theses (<a href="https://about.proquest.com/products-services/pgdtglobal.html">https://about.proquest.com/products-services/pgdtglobal.html</a>)</li> </ul>
Institution Specific	Various

## Endnotes for Appendix A

- <sup>1</sup> Childminding Monitoring Advisory & Support (CMAS) (2008). Background checks – what you need to know. Available at [https://cmascanada.ca/wp-content/uploads/support\\_documents/background-checks.pdf](https://cmascanada.ca/wp-content/uploads/support_documents/background-checks.pdf)
- <sup>2</sup> Government of Alberta, Ministry of Children’s Services (no date). Intervention record check. Available at <https://informalberta.ca/public/service/serviceProfileStyled.do?serviceQueryId=1050354>
- <sup>3</sup> Province of Manitoba (no date). Child abuse registry – frequently asked questions. Available at [https://www.gov.mb.ca/fs/childfam/child\\_abuse\\_registry\\_faq.html](https://www.gov.mb.ca/fs/childfam/child_abuse_registry_faq.html)
- <sup>4</sup> Province of Manitoba (no date). The provincial child abuse registry: how the registry works. Available at [https://www.gov.mb.ca/fs/childfam/pubs/car\\_overview.pdf](https://www.gov.mb.ca/fs/childfam/pubs/car_overview.pdf)
- <sup>5</sup> Government of Manitoba (2003). Child and family services act. Child abuse regulation. Available at <http://web2.gov.mb.ca/laws/regs/current/pdf-regs.php?reg=14/99>
- <sup>6</sup> Savoury G (2018). Review of the effectiveness of New Brunswick’s child protection system. Available at <https://www2.snb.ca/content/dam/gnb/Departments/sd-ds/pdf/Protection/Child/ReviewOfTheEffectivenessOfNewBrunswicksChildProtectionSystem.pdf>
- <sup>7</sup> Public Health Agency of Canada (2019). Provincial and territorial child protection legislation and policy 2018. Available at [https://www.canada.ca/content/dam/phac-aspc/documents/services/publications/health-risks-safety/provincial-territorial-child-protection-legislation-policy-2018/64-03-18-2245\\_Child-Protection\\_EN-FINAL02.pdf](https://www.canada.ca/content/dam/phac-aspc/documents/services/publications/health-risks-safety/provincial-territorial-child-protection-legislation-policy-2018/64-03-18-2245_Child-Protection_EN-FINAL02.pdf)
- <sup>8</sup> Newfoundland & Labrador Children, Seniors & Social Development (2016). Application for a child protection clearance check. Available at <https://www.gov.nl.ca/cssd/forms/>
- <sup>9</sup> Newfoundland & Labrador Children, Seniors & Social Development (2018). Application for review of a child protection clearance check. Available at <https://www.gov.nl.ca/cssd/forms/>
- <sup>10</sup> NWT Department of Health and Social Services (2019). Child and family services standards and procedures manual. Available at <https://www.hss.gov.nt.ca/en/child-and-family-services-standards-and-procedures-manual>
- <sup>11</sup> Government of Nova Scotia (no date). Child abuse register. Available at <https://novascotia.ca/coms/families/abuse/ChildAbuseRegister.html>
- <sup>12</sup> Province of Nova Scotia (2017). Children and Family Services Act. Available at <https://nslegislature.ca/sites/default/files/legc/statutes/children%20and%20family%20services.pdf>
- <sup>13</sup> Government of Ontario (2020). Child, Youth and Family Services Act, 2017. Available at [https://www.ontario.ca/laws/statute/17c14?\\_ga=2.209187410.193284947.1600108910-850340928.1598033826](https://www.ontario.ca/laws/statute/17c14?_ga=2.209187410.193284947.1600108910-850340928.1598033826)
- <sup>14</sup> Ontario Ministry of Children, Community and Social Services. (2020). Part X (Personal Information). Available at <http://www.children.gov.on.ca/htdocs/English/childrensaid/part-x.aspx>
- <sup>15</sup> Ontario Ministry of Children and Youth Services (2016). Ontario child protection standards. Available at <http://www.children.gov.on.ca/htdocs/English/documents/childrensaid/Child-Protection-Standards-2016.pdf>
- <sup>16</sup> Government of Quebec (2020). Youth Protection Act. Available at <http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/P-34.1>
- <sup>17</sup> Saskatchewan Ministry of Social Services (2020). Child protection services manual. Available at [file:///C:/Users/Gen/Downloads/Child-Protection--Manual-June2020%20\(1\).pdf](file:///C:/Users/Gen/Downloads/Child-Protection--Manual-June2020%20(1).pdf)