



# National Clearinghouse on Child Abuse and Neglect Information National Adoption Information Clearinghouse



*Gateways to Information: Protecting Children and Strengthening Families*

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## 2003 Child Abuse and Neglect State Statute Series Statutes-at-a-Glance Central Registry/Reporting Records Expungement

### What You Need to Know

Approximately<sup>1</sup> 41 States, the District of Columbia, and the U.S. Territories of American Samoa, Guam and Puerto Rico have statutes authorizing the establishment of a statewide central registry. A central registry is a centralized database or listing of child maltreatment records. Several States only mandate by law that agencies, usually public social service agencies, collect and maintain child abuse and neglect records.

Approximately 37 States, the District of Columbia, American Samoa, and Guam have statutes providing for the expungement of department and central registry records. The term expungement refers to the procedures used by States to maintain and update their central registries and recordkeeping by removing old or inaccurate records.

### Classification of Reports

Child abuse records are classified in a variety of ways. Terms such as "unfounded," "not indicated," "unconfirmed," and "unsubstantiated" are used to describe situations in which there has been no determination of abuse or neglect. Terms such as "founded," "indicated," "suspected," and "substantiated" are used to describe a finding of abuse or neglect.

### Unfounded Reports

The time specified for the expungement of unfounded or undetermined reports ranges from immediately upon determination to 10 years. A few States do not permit unfounded reports to be placed on the registry at all. Many States have provisions allowing the subject of a report to challenge the findings. If the challenge is successful, the subject's name is removed from the registry.

### Founded or Indicated Reports

The time specified for the expungement of founded or indicated reports ranges from 5 to 10 years. States often use the birthday of the victim (usually when the child reaches age of majority) as a point to expunge records from the registry. In addition, some States allow records to be expunged upon good cause shown and upon notice to the subjects of the report.



The Clearinghouses are services of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.

The Statutes-at-a-Glance listings summarize specific sections of each State's code. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures. Readers interested in interpretation of specific statutory provisions within an individual jurisdiction should consult with professionals within the State familiar with the statutes' implementation.

<sup>1</sup> The word *approximately* is used to stress the fact that statutes are constantly being revised and updated.

**Alabama**

**Statute:** § 26-14-8(e)

**Classification:**  
Not indicated

**Expunged/Sealed:**  
Expunged 5 years from completion of investigation

**Conditions/Comments:**  
No subsequent reports during 5-year period

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**Alaska**

**Statute:** Not addressed in statutes reviewed

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**American Samoa**

**Statute:** § 45.2025; § 45.2026

**Classification:**  
No credible evidence

**Expunged/Sealed:**  
Expunged immediately

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Classification:**  
All other cases

**Expunged/Sealed:**  
Sealed no later than 10 years after the child turns 18

**Conditions/Comments:**  
Not addressed in statutes reviewed

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**Arizona**

**Statute:** § 8-804(C)-(F)

**Classification:**  
Substantiated

**Expunged/Sealed:**  
Expunged:

- When child turns 18 (on reports received before 9/1/99)
- 25 years after the date of the report (on reports received after 9/1/99)

**Conditions/Comments:**  
No subsequent reports

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**Arkansas**

**Statute:** § 12-12-505(b)

**Classification:**  
Unsubstantiated

**Expunged/Sealed:**  
Not included in the registry

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Classification:**  
True

**Expunged/Sealed:**  
Expunged after 1 year

**Conditions/Comments:**

- No subsequent reports
- On those types of maltreatment specified in department policy

**Classification:**  
True

**Expunged/Sealed:**  
Offender may request removal from registry

**Conditions/Comments:**  
No subsequent reports of that type for 5 years

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**California**

**Statute:** Penal Code § 11170(a)(3), (f)

**Classification:**  
Unsubstantiated or inconclusive

**Expunged/Sealed:**  
Expunged 10 years after most recent report

**Conditions/Comments:**

- If no subsequent report received in 10-year period
- Victim over age 18 may request removal of name from the registry

**Colorado**

**Statute:** § 19-3-313.5(3)(f)

**Classification:**  
Unsubstantiated or false

**Expunged/Sealed:**  
Expunged promptly

**Conditions/Comments:**

- State Board shall promulgate rules
- Department may retain information for risk and safety assessments

**NOTE:** In 2003, Colorado repealed § 19-3-313 which had provided for a State central registry.

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**Connecticut**

**Statute:** Not addressed in statutes reviewed

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**Delaware**

**Statute:** Tit. 16, § 923

**Classification:**  
Substantiated; Level II

**Expunged/Sealed:**  
Removed after 3 years

**Conditions/Comments:**  
If no further substantiations of abuse

**Classification:**  
Substantiated; Level III

**Expunged/Sealed:**  
Removed after 7 years

**Conditions/Comments:**  
If no further substantiations of abuse

**Classification:**  
Substantiated; Level IV

**Expunged/Sealed:**  
Ineligible for automatic removal from the registry

**Conditions/Comments:**  
May be removed by order of the family court

**District of Columbia**

**Statute:** § 4-1302.07

**Classification:**  
Unfounded

**Expunged/Sealed:**  
Expunged immediately

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Classification:**  
Inconclusive

**Expunged/Sealed:**  
Expunged on 18th birthday of the child or 5 years after termination of social rehabilitation services, whichever occurs first

**Conditions/Comments:**  
No reasonable suspicion or evidence of abuse or neglect of younger sibling

**Classification:**  
Substantiated

**Expunged/Sealed:**  
Not expunged

**Conditions/Comments:**  
Not addressed in statutes reviewed

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**Florida**

**Statute:** § 39.202(6)

**Classification:**  
Records of all cases

**Expunged/Sealed:**  
Expunged 7 years after last entry; or when child is 18 years of age, whichever date is first reached

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Georgia**

**Statute:** § 49-5-184(b)-(d)

**Classification:**  
Unconfirmed

**Expunged/Sealed:**  
Expunged 2 years after classification

**Conditions/Comments:**  
Not addressed in statutes reviewed

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**Guam**

**Statute:** Tit. 19, § 13208(f)

**Classification:**  
Unsubstantiated

**Expunged/Sealed:**  
Expunged within 1 year

**Conditions/Comments:**  
If an investigation cannot determine if a report is indicated or substantiated

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**Hawaii**

**Statute:** § 350-2(d)

**Classification:**  
Unsubstantiated

**Expunged/Sealed:**  
Expunged promptly where:

- Found to be unsubstantiated
- Dismissed on the merits after adjudicatory hearing

**Conditions/Comments:**

- A report is unsubstantiated only where allegations are frivolous or made in bad faith
- Records regarding child may be retained

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**Idaho**

**Statute:** Not addressed in statutes reviewed

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**Illinois****Statute:** 325 ILCS § 5/7.14-7.16**Classification:**  
Unfounded**Expunged/Sealed:**  
Expunged promptly**Conditions/Comments:**

Unless another report is received involving same child, sibling, children in care of subject, or same alleged offender

**Classification:**  
Indicated**Expunged/Sealed:**

- Expunged no later than 5 years after determination; reports of sexual abuse, serious physical injury, or death of a child may be retained longer than 5 years
- Expunged or amended upon good cause shown

**Conditions/Comments:**

Not addressed in statutes reviewed

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**Indiana****Statute:** § 31-33-19-4; § 31-33-19-8; § 31-33-19-9**Classification:**  
Substantiated**Expunged/Sealed:**

Expunged not later than 10 working days after any of the following occur:

- Court determination that abuse or neglect has not occurred
- Administrative officer finds that report is unsubstantiated
- Criminal court dismisses charges or enters a not guilty verdict
- The period of informal adjustment ceases
- Not later than 6 months after report of person's failure to participate in a services agreement
- Not later than 20 years after court determines that a child is in need of services

If the above does not apply, expunged not later than when child victim reaches age 24.

**Conditions/Comments:**

If a substantiated report is a result of an administrative or clerical error, then the report shall be immediately expunged

**Iowa**

**Statute:** § 235A.18; § 235A.19(2a), (3)

**Classification:**  
Founded

**Expunged/Sealed:**

Sealed 10 years after receipt of report. If a subsequent report is received involving any one of the parties within this 10-year period, the information is sealed 10 years after the subsequent report.

**Conditions/Comments:**

Unless good cause shown to keep open

**Classification:**  
Founded

**Expunged/Sealed:**

Expunged 8 years after the information is sealed. However, if data involve child abuse, data not expunged for 30 years.

**Conditions/Comments:**

Not addressed in statutes reviewed

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**Kansas**

**Statute:** Not addressed in statutes reviewed

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**Kentucky**

**Statute:** Not addressed in statutes reviewed

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**Louisiana**

**Statute:** Children's Code art. § 616(A)(2); § 616.1(A)

**Classification:**  
Unjustified, false

**Expunged/Sealed:**

Expunged 3 years after audit

**Conditions/Comments:**

3-year period is required for audit purposes. During this period all identifying information removed.

**Classification:**  
Unjustified, false

**Expunged/Sealed:**

Sealed during 3 years for audit purposes

**Conditions/Comments:**

Unless litigation is pending

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**Maine**

**Statute:** Tit. 22, § 4008(5)

**Classification:**  
Unsubstantiated

**Expunged/Sealed:**

Expunged after 18 months. Unsubstantiated cases may be retained for 5 years for audit purposes (Medicaid).

**Conditions/Comments:**

Unless a new referral is received within the 18 months

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**Maryland**

**Statute:** § 5-706.1(a); § 5-707(b); § 5-719 (e)

**Classification:**  
Unsubstantiated

**Expunged/Sealed:**

Expunged within 5 years after referral

**Conditions/Comments:**

If no further reports are received during the 5 years

**Classification:**  
Report ruled out

**Expunged/Sealed:**

Expunged within 120 days after referral

**Conditions/Comments:**

If no further reports are received during the 120 days

**Classification:**  
Identified as responsible

**Expunged/Sealed:**

Expunged 7 years after entry on registry

**Conditions/Comments:**

If no report is received concerning subject during the 7-year period

### **Massachusetts**

**Statute:** Ch. 119, § 51F

**Classification:**  
Not substantiated

**Expunged/Sealed:**  
Expunged after 1 year

**Conditions/Comments:**  
If report is determined to be frivolous, it shall be declared 'allegation invalid,' and not placed in the registry

**Classification:**  
Substantiated

**Expunged/Sealed:**  
Expunged when a child reaches age 18 or 1 year after end of services, whichever occurs last

**Conditions/Comments:**  
Not addressed in statutes reviewed

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### **Michigan**

**Statute:** § 722.627(4)-(7)

**Classification:**  
No evidence

**Expunged/Sealed:**  
Expunged

**Conditions/Comments:**  
Report not expunged unless it is in the child's best interest

**Classification:**  
Evidence exists

**Expunged/Sealed:**  
Expunged when alleged perpetrator dies

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Minnesota**

**Statute:** § 626.556, Subd. 11c

**Classification:**  
No determination

**Expunged/Sealed:**  
Maintained for 4 years

**Conditions/Comments:**  
Record used only for future risk and safety assessments

**Classification:**  
Indicated

**Expunged/Sealed:**  
Maintained for at least 10 years

**Conditions/Comments:**  
Not addressed in statutes reviewed

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**Mississippi**

**Statute:** § 43-21-257(3)

**Classification:**  
Substantiated perpetrators

**Expunged/Sealed:**  
Removal only through administrative hearing as provided by the department

**Conditions/Comments:**  
Not addressed in statutes reviewed

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**Missouri**

**Statute:** § 210.152

**Classification:**  
Insufficient evidence

**Expunged/Sealed:**  
Expunged:

- After 10 years if report is from a mandated reporter
- After 2 years for other reports
- After 10 years if unable to locate the child

**Conditions/Comments:**  
Not addressed in statutes reviewed

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**Montana**

**Statute:** § 41-3-202 (5)(b)

**Classification:**  
Unfounded

**Expunged/Sealed:**  
Expunged within 30 days of the determination

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Classification:**  
Unsubstantiated

**Expunged/Sealed:**  
Expunged within 30 days after the end of 3 years of the determination

**Conditions/Comments:**  
Unless there has been a previous or subsequent substantiated report

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**Nebraska**

**Statute:** § 28-720; § 28-721

**Classification:**  
Unfounded

**Expunged/Sealed:**  
Expunged promptly

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Classification:**  
Any record

**Expunged/Sealed:**  
Expunged upon good cause shown

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Nevada**

**Statute:** § 431.120(2)

**Classification:**  
Unsubstantiated

**Expunged/Sealed:**  
Expunged at the conclusion of the investigation within 60 days after report filed

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Classification:**  
Substantiated

**Expunged/Sealed:**  
Sealed no later than 10 years after child is 18

**Conditions/Comments:**  
Not addressed in statutes reviewed

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**New Hampshire**

**Statute:** § 169-C:35; § 19-C:35-a

**Classification:**  
Screened-out

**Expunged/Sealed:**  
Retained 1 year

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Classification:**  
Unfounded at-risk

**Expunged/Sealed:**  
Retained 3 years

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Classification:**  
Founded

**Expunged/Sealed:**  
Retained 7 years

**Conditions/Comments:**  
Does not apply to a case that remains open or to adoption records

**New Jersey**

**Statute:** § 9:6-8.40a

**Classification:**  
Unfounded

**Expunged/Sealed:**  
Expunged upon determination

**Conditions/Comments:**  
'Unfounded' means no concern for the safety or welfare of the child

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**New Mexico**

**Statute:** § 32A-3B-21

**Classification:**  
Records

**Expunged/Sealed:**

- Expunged 2 years after final release from legal custody and supervision
- Expunged if 2 years have elapsed since entry of any other judgment not involving legal custody or supervision

**Conditions/Comments:**  
The individual has not, within the 2 years immediately prior to filing the motion, been convicted of a felony or of a misdemeanor involving moral turpitude or found delinquent by a court, and no proceeding is pending

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**New York**

**Statute:** Soc. Serv. § 422(5), (6)

**Classification:**  
No credible evidence/unfounded

**Expunged/Sealed:**  
Sealed upon investigation; sealed unfounded reports expunged 10 years after receipt

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Classification:**  
Some credible evidence

**Expunged/Sealed:**  
Expunged:

- 10 years after youngest child named in report is 18
- Upon successful challenge by subject

**Conditions/Comments:**  
Not addressed in statutes reviewed

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**Classification:**

Any record

**Expunged/Sealed:**

Expunged upon good cause shown

**Conditions/Comments:**

Not addressed in statutes reviewed

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***North Carolina***

**Statute:** Not addressed in statutes reviewed

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***North Dakota***

**Statute:** Not addressed in statutes reviewed

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***Northern Mariana Islands***

**Statute:** Not addressed in statutes reviewed

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***Ohio***

**Statute:** Not addressed in statutes reviewed

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***Oklahoma***

**Statute:** Not addressed in statutes reviewed

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***Oregon***

**Statute:** Not addressed in statutes reviewed

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**Pennsylvania**

**Statute:** 23 PCSA § 6337; § 6338(b); § 6341

**Classification:**

Unfounded, not indicated

**Expunged/Sealed:**

Expunged within 120 days 1 year after report is received by the Department

**Conditions/Comments:**

Not addressed in statutes reviewed

**Classification:**

Founded, indicated

**Expunged/Sealed:**

Expunged when the child turns 23

**Conditions/Comments:**

Not addressed in statutes reviewed

**Classification:**

Any record

**Expunged/Sealed:**

Expunged upon good cause shown

**Conditions/Comments:**

Not addressed in statutes reviewed

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**Puerto Rico**

**Statute:** Not addressed in statutes reviewed

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**Rhode Island**

**Statute:** § 40-11-3(a); § 40-11-13.1

**Classification:**

Unfounded

**Expunged/Sealed:**

Expunged 3 years after final determination

**Conditions/Comments:**

Not addressed in statutes reviewed

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**South Carolina**

**Statute:** § 20-7-680(D), (E)

**Classification:**  
Unfounded

**Expunged/Sealed:**  
Expunged immediately upon determination

**Conditions/Comments:**  
Includes all information unnecessary for auditing purposes

**Classification:**  
Indicated

**Expunged/Sealed:**  
Expunged 7 years after services are terminated

**Conditions/Comments:**  
Not addressed in statutes reviewed

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**South Dakota**

**Statute:** § 26-8A-11

**Classification:**  
Substantiated

**Expunged/Sealed:**  
Expunged upon successful challenge by subject

**Conditions/Comments:**

- Request for expunction must be made within 30 days of date that the report is determined to be substantiated
- Subject has no right to hearing after court finding of child abuse or neglect

**Classification:**  
Unsubstantiated

**Expunged/Sealed:**  
Expunged after no longer than 3 years

**Conditions/Comments:**  
If no further report within that 3-year period

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**Tennessee**

**Statute:** Not addressed in statutes reviewed

**Texas**

**Statute:** Not addressed in statutes reviewed

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**Utah**

**Statute:** § 62A-4a-116.4

**Classification:**  
Without merit

**Expunged/Sealed:**  
Expunged within 1 year

**Conditions/Comments:**

- If no subsequent report
- Unless the executive director determines there is good cause for keeping a report

**Classification:**  
Unsubstantiated

**Expunged/Sealed:**  
Expunged within 5 years

**Conditions/Comments:**

- If no subsequent report
- Unless the executive director determines there is good cause for keeping a report

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**Vermont**

**Statute:** Tit. 33, § 4916(a), (b), (g), (h)

**Classification:**  
Unsubstantiated

**Expunged/Sealed:**  
Expunged if no court proceeding initiated within 1 year

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Classification:**  
Substantiated

**Expunged/Sealed:**  
Expunged:

- When child reaches age of majority (if record relates to single child)
- When youngest sibling reaches age of majority (if record relates to family)

**Conditions/Comments:**  
Not addressed in statutes reviewed

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**Virgin Islands**

**Statute:** Not addressed in statutes reviewed

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**Virginia**

**Statute:** § 63.2-1514(B)-(D)

**Classification:**

Unfounded investigations

**Expunged/Sealed:**

Expunged after 1 year from department records which are kept separate from the central registry

**Conditions/Comments:**

- If no subsequent founded or unfounded reports are received during the 1 year
- Report shall be purged immediately when determined it was made maliciously or in bad faith

**Classification:**

Family assessments

**Expunged/Sealed:**

Expunged after 3 years

**Conditions/Comments:**

If no subsequent complaints

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**Washington**

**Statute:** § 26.44.031

**Classification:**

Unfounded

**Expunged/Sealed:**

Expunged 6 years after receipt of the report

**Conditions/Comments:**

Unless an additional report is received during that time

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**West Virginia**

**Statute:** § 49-6A-5

**Classification:**

All reports

**Expunged/Sealed:**

Expunged 30 years after their preparation

**Conditions/Comments:**

Unless there are pending proceedings

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### **Wisconsin**

**Statute:** not addressed in statutes reviewed

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### **Wyoming**

**Statute:** § 14-3-213(c), (e), (f)

**Classification:**  
Unfounded

**Expunged/Sealed:**  
Expunged upon completion of the investigation

**Conditions/Comments:**  
Not addressed in statutes reviewed

**Classification:**  
Any record

**Expunged/Sealed:**  
Expunged upon good cause shown

**Conditions/Comments:**  
Not addressed in statutes reviewed