

HB 1229 -- Child Abuse and Neglect

Sponsor: Stevenson

This bill changes the laws regarding the child abuse and neglect registry. In its main provisions, the bill:

- (1) Authorizes the Child Abuse and Neglect Review Board to place individuals on the registry;
- (2) Allows a court to presume that a false report of child abuse causes damage or injury to the reputation of the individual or institution accused in the report and that the falsely accused party may recover the costs of litigation;
- (3) Requires the Children's Division within the Department of Social Services to complete a child abuse investigation within 30 days. If the investigation concludes that abuse has likely occurred, the division cannot add a perpetrator to the registry or release information about the investigation to anyone other than law enforcement agencies unless the perpetrator does not request a review by the review board or it has determined that abuse or neglect has occurred. Within 10 days of the investigation determination or within 90 days of receiving an investigation report, whichever occurs first, the alleged perpetrator and the child named in the report must be notified in writing about the preliminary determinations of the investigation;
- (4) Prohibits investigation report information that identifies a child, reporter, alleged perpetrator, or witness to be made available to a researcher acting in good faith unless written permission is obtained from the individual or his or her guardian;
- (5) Requires the division to remove identifying information in a child abuse investigation report from the division's records within 45 days of the determination that abuse or neglect occurred;
- (6) Requires the division director within 30 days of receiving written evidence of a reversal to remove from the registry the name of an individual whose investigation determination has been reversed by the review board;
- (7) Allows the alleged perpetrator to seek a reversal determination or a trial if requested within 60 days after receiving notice of the investigation results; otherwise, the preliminary investigation determination will be considered the final determination. If a trial is requested, the review board

must schedule a hearing within 90 days of the request;

(8) Allows an alleged perpetrator to apply to the division for a stay order at the same time a trial is requested in order to keep his or her name off the registry, but the stay order may be revoked at the discretion of a circuit court as further evidence becomes available;

(9) Allows the court to order litigation costs to an alleged perpetrator who is granted a prevailing verdict determining his or her innocence of any child abuse or neglect; and

(10) Changes the provisions that regulate the membership of the review board.