

Child Protection Registry Reform

Historical and Contextual Overview



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11/05/2023

*Updated 10/2025

Introduction and Purpose

Act 154, passed in 2024, represents one of the most significant reforms to Vermont's child protection system in decades. This document provides historical context, background data, and the research foundation that informed the Department for Children and Families (DCF), Family Services Division (FSD)'s recommendations leading to the bill's passage.

The purpose is to help stakeholders understand:

- How the Child Protection Registry (CPR) functions today
- Why reform was needed
- What analyses, research, and collaborative work informed Act 154
- How these efforts align with Vermont's values of fairness, equity, and child safety

This background will also serve as a foundation for upcoming stakeholder discussions about implementation, secondary considerations, and centralized review processes required by Act 154.

Over the coming months, FSD will host a series of structured conversations to share updates on the implementation of Act 154 and to gather input on proposed frameworks for centralized review and secondary considerations. These sessions are intended to build shared understanding, transparency, and collaboration as Vermont moves toward a more consistent and equitable Child Protection Registry.

These sessions provide opportunities to review progress to date, revisit the background that led to Act 154, and engage in deeper dialogue about key reform areas.

Two identical meetings will be held each month— participants may attend whichever works best. In-person attendance in Waterbury is encouraged, with a virtual option also available.

October Sessions

- Thursday, October 9 | 9:00 – 11:00 AM
- Friday, October 10 | 1:00 – 3:00 PM
- Agenda:
 - First hour: Background and orientation — what the Child Protection Registry is, what led to Act 154, and what's been accomplished so far.
 - Second hour: A deeper conversation on “secondary considerations” — how decisions are made about when a case results in a name placement on the Registry versus an internal finding.

November Sessions

- Wednesday, November 5 | 2:30 – 4:30 PM
- Friday, November 7 | 12:30 – 2:30 PM

December Sessions

- Monday, December 1 | 9:00 – 11:00 AM
- Wednesday, December 10 | 2:30 – 4:30 PM

Looking Ahead: Key Milestones

- November 1, 2025 (extended from October 1, 2025): Status report to the Legislature
- January 2026: Presentation of recommendations to the Senate Committee on Health and Welfare and the House Committee on Human Services
- Spring 2026: Rulemaking and public comment
- Fall 2026: Expected enactment of new rules and policies

Part One: The Data

The Family Services Division (FSD) within the Department for Children and Families (DCF) is the state agency responsible for carrying out the statutory mandate of investigating complaints of neglect, abuse, or abandonment of children. In 2024:

- 19,410 reports were made to the Child Protection Line — 770 fewer than in 2023, a 3.8% decrease.
- At least 79% of the reports made were from mandated reporters and 16% from non-mandated reporters.
- Based on the 19,410 reports received, we opened 3,617 child safety interventions:
 - 2,037 investigations
 - 1,580 assessments:
 - 993 child abuse assessments
 - 587 family assessments
- At the conclusion of the 3,617 child safety interventions, 493 cases were opened for ongoing services.
- At the conclusion of the 2,037 investigations, **483 reports were substantiated.**
- Based on the 483 substantiated reports, there were 578 unique child victims.

- During the last quarter of 2024, there were:
 - 861 children in DCF custody
 - 290 children in the conditional custody of a parent, relative or other person known to the child and family
 - 151 families getting ongoing services after an investigation or assessment determined there was a high to very high risk of future maltreatment.

Reports made 2015-2024 (Data table)

Year	Total Reports	Total Accepted Reports (%)	Total Substantiations
2015	20233	5630 (27.8%)	773
2016	20583	5509 (26.8%)	737
2017	21201	5527 (26.1%)	876
2018	20779	5326 (25.6%)	999
2019	20078	4606 (22.9%)	822
2020	15722	3620 (23%)	527
2021	18507	4426 (23.9%)	609
2022	19725	4526 (22.9%)	593
2023	20180	4040 (20%)	547
2024	19410	4035 (20.8%)	483

Data Source: Child Protection Reports, 2015-2024.

The data in the child protection report was pulled on 5/19/25, and at that time there were 131 pending reports (that were not closed).

The rest of this document will be dedicated to discussing options for those substantiated investigations, which result in individuals' names being placed on the child protection registry. For more general child protection data [see our annual Child Protection Report](#).

About the Vermont Child Protection Registry

What is the child protection registry? It is a database of substantiated child abuse & neglect reports since January 1, 1992. When DCF investigates a report of child abuse or neglect, we must determine if there is a preponderance of evidence necessary to support the allegation. If the answer is YES, the report is substantiated.

Please refer to our [Vermont Child Protection Registry Page](#) for more information about the child protection registry and how this record may affect someone.

Currently there are approximately 25,000 registry records on Vermont Child Protection Registry. (This does not mean 25,000 individual names, as some individuals may have more than one substantiation.) In a state with a working-age population of just over 395,000 that is a little over 6%.

How does one become “substantiated”? When a call regarding a concern of child abuse or neglect is made to the Vermont Child Protection Hotline (1-800-649-5285), that report is screened according to the criteria in the [Child Welfare Services statute](#) and [Family Services Division policy](#). If accepted, the report will lead to a child safety intervention. Vermont employs a [differential response system](#) which means that some reports are accepted as [assessments](#) and some as [investigations](#). The major difference between the two is that with investigations, the department has a mandate to determine if there is a preponderance of the evidence necessary to support the allegations that the abuse or neglect occurred, and if so, that person’s name is sent to the CRRU (Commissioner’s Registry Review Unit) for name placement on the [child protection registry](#). According to current statute they are given [30 days to request a review](#). What occurs during an investigation is complex and often driven by the type and seriousness of the allegation. For information related to what families can expect during an investigation, [look for the Child Safety Interventions document](#) on our website (available in multiple languages). For FSD policies that guide investigations and assessments, you can find relevant policies under the [Child Safety Interventions section of the FSD policies page](#). There is also a document describing the relevant [Rules on Response to Abuse and Neglect](#).

For data related to substantiations, such as by abuser-child relationship, types of abuse, and age of child, see our [Data Based on Substantiated Reports 2014-2022](#).

Family Services Division Case Flowchart

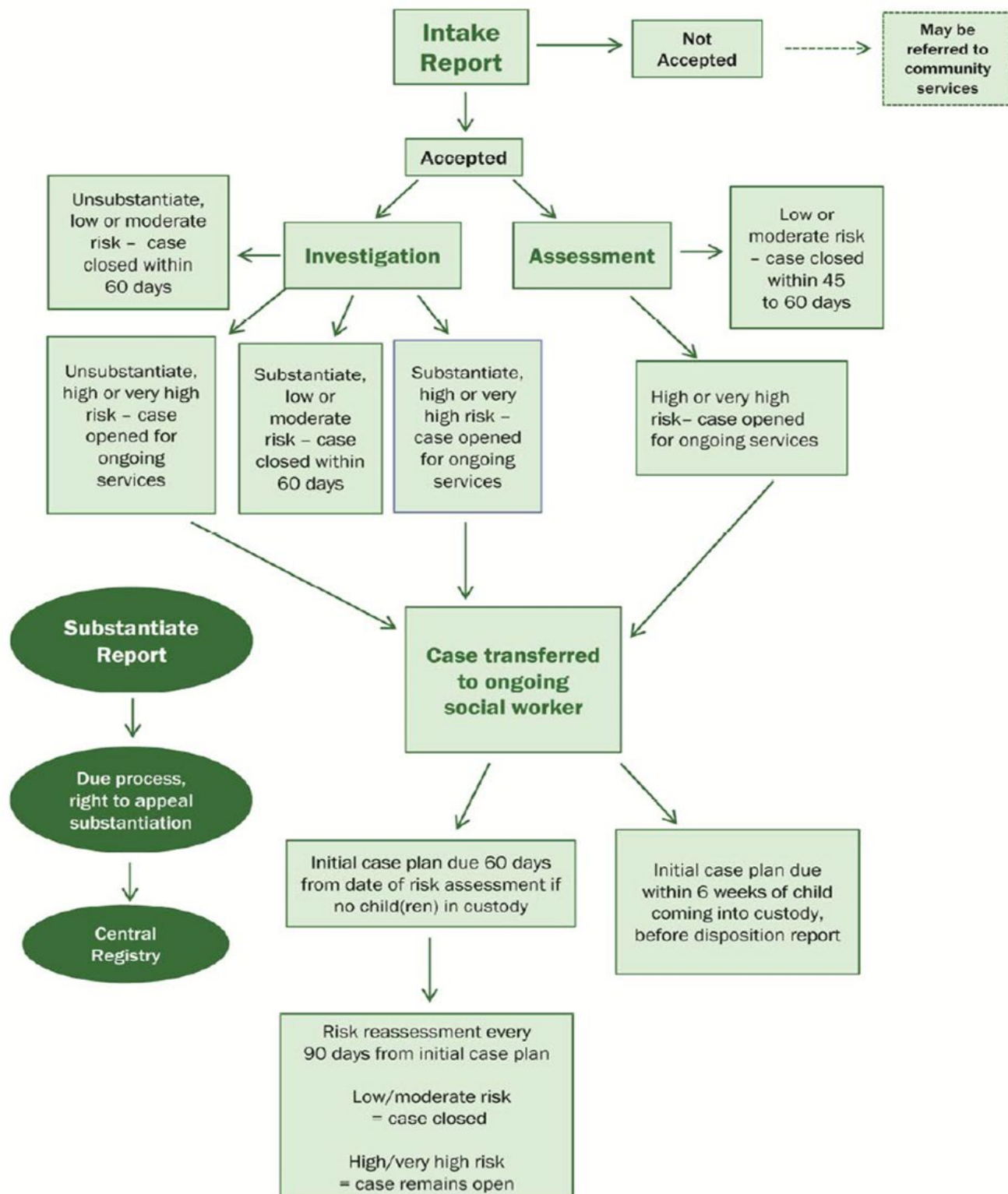


Figure 1: Family Services Division Case Flowchart

Changing current policies, practices and statutes

Why are we changing our current policies, practices and statutes that govern the child protection registry?

First, every child welfare system operates under a continuous quality improvement framework. Our work and our practice are continually under review. We are always evolving; we are always improving. **We know our work is never done.**

Second, Vermont Parent Representation Center published two reports, both of which called our collective attention to this matter. These reports and the information leading to them was the subject of discussions within the [Children's Justice Act Task Force](#) for much of the last three years. The Children's Justice Act Task Force (CJATF) is a federally mandated group, formed to assess and make recommendations for system improvement for investigative, administrative, and judicial handling of cases of child abuse and neglect, and support designation and appropriation of CJA funding. CJATF is coordinated through DCF, and membership is representative of the many disciplines and advocacy realms which make up our child welfare system. CJATF particularly represents that part of our system which deals with investigations of child abuse and neglect. This mission requires a spirit of collaboration and a positive working relationship between the Department for Children and Families and the CJATF.

Each year, the CJATF submits an annual report to our federal partners, which includes recommendations to be followed by DCF. In that fashion, this group serves as an advising body to the Department, to grantees receiving CJA grant dollars, and to the system as a whole. The ongoing activities of the Task Force include monitoring implementation of its recommendations and continuing interagency collaboration in carrying out the intent of the Act. Each year, DCF must submit a letter to the federal [Administration for Children and Families](#) assuring that the State has adopted or is progressing toward adopting recommendations of the Task Force (or a comparable alternative). For the past three years, the Task Force, or a subcommittee has been looking closely at topics related to the child protection registry and formulating recommendations, some of which have been incorporated into these reform opportunities.

Third, child welfare leaders and scholars across the nation are looking at the structural racism, socio-economic oppression, and implicit biases that have led to the disproportionalities in our child welfare systems across the country. Locally, the DCF Family Services Division is dedicated to these same explorations, and we have racial equity workgroups focusing on things like accurate

data collection, supporting BIPOC (Black, Indigenous, and People of Color) staff, and training and consultation for our child welfare professionals.

The time is right to look at the intersectionality between structural racism, socio-economic oppression, and child protection registries.

Resources to learn more about ensuring equity in the child protection registry system

- [Child Welfare Justice as the Throughline, nurturing freedom dreams \(57 min audio podcast\)](#). Part three of a podcast series from the Vermont Child Welfare Training Partnership. This episode includes an interview with transformational leader and founder of Mining for Gold, Corey Best, and FSD Deputy Commissioner Aryka Radke.
- [Marginalizing Mothers, Child Maltreatment Registries, Statutory Schemes, and Reduced Opportunities for Employment \(article\)](#). A 36-page article from the City University of New York Law Review (2021) written by Colleen Henry and Vicki Lens.
- [Marginalizing Mothers: Behind the Sprawl of Abuse and Neglect Registries \(45-min audio podcast\)](#). This podcast from The Imprint includes an interview with Colleen Henry, one of the authors of the article above.

Overlap with children entering state custody

But what about other issues, like kids entering custody?

While this will not be a topic that is presented during the child protection registry conversation, it is important that attendees are aware of other efforts underway. Alongside the work we have been doing to look at our child protection registry and racial equity work, we have also been looking closely at the numbers of children in custody and working diligently to improve the processes by which those decisions are made. As recently as September 5, 2025, we partnered with the Court Improvement Program to hold our fourth annual Child Welfare Summit. During these summits, we explore recommendations from the 2021 legislatively commissioned report, [Drivers of Custody Rates in Vermont](#). This report and other policy briefs can be found on the [Child Welfare Summit webpage](#).

Following our North Star



We value child safety. We believe that most children are best protected and cared for by their family.

We value ensuring opportunity for the children and families we serve. We strive not to limit opportunity and carefully consider the impact of our involvement.

Critical considerations for equity and positive impact

- Child protection interventions are most often focused on the behaviors of the primary caretaker – most frequently mothers.
- Child protection has historically been “mother-centric”, and interventions and responses have focused heavily on “correcting” the behavior without fully understanding or accounting for the systemic challenges at play.
- Disproportionality in child welfare is widespread. Child welfare law and policy fail to account for the structural racism that limits access to resources and over captures parents who have fewer options.
- Registry records were historically created without consideration of future risk to children or vulnerable adults.

Child Protection Registry data and research

Child Protection Registry Statutes

33 V.S.A. § 4916 (a)(1) provides that the Commissioner (of DCF) “shall maintain a Child Protection Registry that shall contain a record of all investigations that have resulted in a substantiated report on or after January 1, 1992.”

33 V.S.A. § 4916 (b) provides that “A Registry record means an entry in the Child Protection Registry that consists of the name of an individual substantiated for child abuse or neglect, the date of the finding, the nature of the finding, and at least one other personal identifier, other than a name, listed in order to avoid the possibility of misidentification.”

Statute 33 V.S.A. § 4911 (5) mandates the establishment of a tiered child protection registry that balances the need to protect children and the potential employment consequences of a registry record for persons who are substantiated for child abuse and neglect.

What is the purpose of a substantiation?

- Substantiating someone for abuse/neglect has **little to no impact** on the immediate safety of the child in question.
- The only function served by substantiation is related to future child safety and ensuring those who should not have access to vulnerable individuals are prevented from having that access.

Data

There are currently approximately **25,000 entries** on the child protection registry. This number does not represent unique individuals, as some people have been substantiated more than once.

Results provided to the employer show the substantiation category and substantiation date. The data set below shows the number of registry checks that occurred each year from 2012-2024.

Child Protection Registry Checks 2012-2018 (Data table)

	2012	2013	2014	2015	2016	2017	2018
Online	50,845	47,299	53,602	56,465	55,921	55,829	57,538
Paper Forms	Not avail.	Not avail.	Appx. 699	838	971	1,214	1,217
Total			54,301	57,303	56,892	57,043	58,755

Child Protection Registry Checks 2019-2024 (Data table)

	2019	2020	2021	2022	2023	2024
Online	62,103	52,160	58,073	56,541	64,897	68,494
Paper Forms	1,295	1,378	1,020	1,181	1,108	1,333
Total	63,398	58,538	59,093	57,722	65,987	69,827

The Child Protection Registry is an important tool to ensure safety in Vermont schools, daycares, hospitals, and other settings that serve children and vulnerable adults.

To be good stewards of public trust, we must always look at ourselves and our systems critically and honestly and be willing to acknowledge strengths and areas of weakness and limitation.

Research

To understand what is happening in Vermont and how we compare to other states, we conducted a series of reviews.

Data from Vermont

- 33 cases where substantiation was overturned by the Commissioner's Registry Review Unit
- 104 Human Services Board Fair Hearing decisions made regarding substantiations (2021-2022)

Review of other states

- We looked at 41 states' substantiation processes and use of child protection registries including:
 - Standards of evidence
 - Functions for oversight
 - Assessment of risk
 - Automatic expungement
- Most states report that the case determination decision lies with the worker and supervisor.

- 3 of the 41 require a higher level of internal review for substantiated cases (New Hampshire requires attorney review, Montana and Wyoming require district or regional manager).
- 1 of the 40 require a higher level of internal review for unsubstantiated cases (Massachusetts).
- 5 of the 40 states have required case reviews for certain types of cases involving certain injuries or with possible ramifications for the alleged perpetrator from a licensing standpoint (New Jersey, Florida, Kansas, Tennessee, Michigan).
- 25 of the states reported that the case determination decision sits at the worker/supervisor level with no higher level of review unless the decision is challenged or appealed.
- North Carolina reports that some counties in the state require attorney review prior to registry placement.
- Rhode Island reports that the case determination decision is made by the supervisor. However, if an appeal is requested, the case is reviewed internally by legal staff and the case can be overturned prior to proceeding to formal appeal.
- Implementing an oversight structure such as this will require building support from the ground up. We have begun this journey by including supervisors in reviews of overturns, inviting workers to share their case determinations and substantiation decisions, encouraging a learning culture and the psychological safety needed for asking questions and receiving feedback, and sharing this recommendation out statewide with workers, supervisors and Division leadership.

Conclusions

From this information it became clear that a multi-pronged approach is needed to ensure that individuals being placed on the child protection registry truly pose a risk to the safety or wellbeing of children, and relevant to the settings that the Registry is intended to serve. Some of those approaches include:

- Instituting an internal and centralized layer of oversight and review for all substantiations.
- Applying a secondary layer of consideration to substantiations prior to name placement.
- Moving to a preponderance of the evidence standard for child abuse investigations.
- Expanding time frames for requesting and holding reviews.

***Note:** We are glad the recommendations listed below were embedded into Act 154. We have chosen to leave the recommendations in this informational document as a foundation of knowledge and historical context.

Part Two: The Recommendations

→ Institute an internal and centralized layer of oversight and review for all substantiations



Currently, decisions to substantiate are made at the district level, between a supervisor and a worker. There is no layer of oversight by Division leadership. The Division is made up of 12 district offices, many of which have seen an unprecedented volume of turnover, in both the worker and supervisory positions. While the Division, in conjunction with the Child Welfare Training Partnership, has overhauled the foundational training which is mandatory for all newly hired staff, training is only one element needed for true quality assurance. The other elements are structure, oversight, and accountability.

Centralized substantiation determination review will be a new process by which the district offices would send all substantiations for review prior to a determination being rendered. Centralized review will create consistency across the state and will improve policy adherence, investigatory methods, and documentation, improving, over time, the knowledge, and skills of Family Service Workers. Child safety interventions are some of the most complex work done by the Division, the impacts of which are considerable for the children and families involved. Enhanced support around complex decision making is warranted given the highly consequential decisions being made.

17 years ago, the Division pivoted to centralized intake to accomplish these very goals. Centralizing the decision to place an individual's name on the Child Protection Registry is a

logical next step towards ensuring these critical decisions which carry such great impact are made with uniform interpretation of statute and policy.

The centralized substantiation determination review process was a formal recommendation from the Children's Justice Act Task Force subcommittee on Child Protection Registry reforms.

Update: Act 154 addressed this recommendation by asking the Department to report out on our progress in establishing a centralized substantiation review process, and to develop rules for how substantiation recommendations are made by the district offices and how the determinations are made by central office.

→ Moving from the reasonable person standard to a preponderance of the evidence.

Update: Act 154 has addressed this recommendation by raising the burden of evidence in statute:

33 V.S.A. § 4916a(e) "The Department shall have the burden of proving that it has accurately and reliably concluded that a reasonable person would believe that the child has been abused or neglected by that person."

This statute has been updated to read: "The Department shall have the burden of proving by a preponderance of the evidence that the child has been abused or neglected by that person."

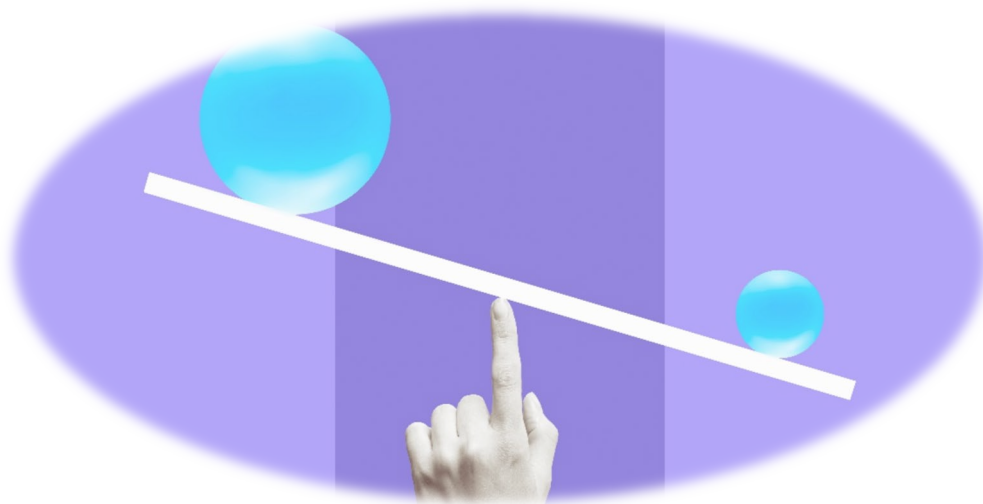
33 V.S.A. § 4912 (16) "Substantiated report" means that the Commissioner or the Commissioner's designee has determined after investigation that a report is based upon accurate and reliable information where there is a preponderance of the evidence necessary to support the allegation that the child has been abused or neglected.

[Click here to see our practice guidance for staff on Preponderance of the Evidence](#)

You can find all [Family Services Laws, Rules, & Procedures online](#). For details about how this rule is applied in practice, please see [policy 56 substantiating child abuse and neglect](#).

National View

Thirty-three states use preponderance of the evidence; seven use a lower standard (most commonly reasonable person but some have novel definitions in their statute); one uses clear and convincing.



Highlights from other states:

Several states base their substantiation decisions on a preponderance of evidence, and/or a clear definition of credible evidence.

New York

Taken from ["What Does the New CPS Standard of Evidence Mean?"](#), Child Abuse Reporting, February 2022.

"Effective January 1, 2022, all SCR (Statewide Central Register of Child Abuse and Maltreatment) reports registered and assigned to Child Protective Services (CPS) for investigation will be held to a new standard of evidence for a determination. The previous standard of evidence required to indicate a case of child abuse or neglect was 'some credible evidence'. The new standard of evidence is '**a fair preponderance of the evidence**'.

"The truth is they just moved the standard already being applied in administrative reviews, fair hearings and family court to the forefront of the process," said Julie Nichols, Administrative Caseworker for Monroe County Child Protective Services. Nichols oversees teams that investigate reports of neglect, maltreatment, and abuse as well as the team that trains new staff to do so. She added, "This change does not impact our ability to help families."

SCR reform has been years in the making. One of the reasons for the reform is the attempt to address the issue of overrepresentation of low-income families and people of color in the system. "This reform also helps to provide clarity and

consistency,” said Nichols, “in the levels of evidence necessary for decision-making processes in CPS work.”

Minnesota

In Family Investigations, a determination of whether maltreatment occurred is made. Determinations are made based on **preponderance of evidence** of the facts. A preponderance of evidence is defined as evidence in support of facts that is more convincing and has a greater probability of truth than evidence opposing the facts (51% or more). Facts are gathered from the following sources (not an exhaustive list):

- Interviews (child, adult and collateral sources)
- Physical evidence (photographs of injuries, weapons, other items collected by law enforcement)
- Records (medical, school, psychological)
- Other documentation

Indiana

Credibility of Evidence: Credible evidence is evidence that is believable. Many factors affect the credibility of evidence. When making assessment findings, the credibility of each piece of evidence must be evaluated by considering factors such as, but not limited to:

1. A witness’s ability and opportunity to observe what he or she has claimed;
2. The manner and conduct of the witness while speaking;
3. Any interest, bias, or prejudice the witness may have;
4. Any relationship the witness may have with other interested parties;
5. The reasonableness of the witness’s testimony considered in the light of all the evidence heard;
 - a. Corroborating evidence: Information that supports someone’s prior statements or other evidence. Corroborating evidence makes the prior statement or other evidence it supports more credible than evidence that has not been verified or supported by independent sources;
 - b. Professional Sources: A witness may provide an opinion because of his or her knowledge, skill, experience, training, or education. In deciding how much weight to give a professional source opinion, you may also consider:
 - i. The witness’s skill, experience, knowledge, and familiarity with the facts of this case;

- ii. The reliability of the information supporting the witness's opinions; and
 - iii. The reasons for the opinions.
- c. Children: When evaluating the credibility of a child's statement, the FCM must take into consideration several factors, including, but not limited to the influence of adults (e.g., pressure or coercion). Typically, a detailed description of a complex chain of events is beyond the capabilities of a three (3) year old. However, young children are able to give plausible and specific descriptions of traumatic situations that would normally be beyond their experience (e.g., sexual acts) and such statements should be taken seriously.

→ Apply Secondary Consideration of Factors Prior to Registry Placement

In Vermont, Child Protection Registry placement is made when there is a preponderance of evidence necessary to support the allegation of child abuse or neglect, except in certain cases of risk of harm where the Department can take into consideration efforts made by the caretaker to reduce risk, placement on the registry occurs if the fact pattern meets the definition of abuse or neglect.

Why change this?

The Department is responsible for maintaining a registry that balances the protection of children and the employment consequences for those being substantiated. This can be very challenging and result in additional burdens on the people we are working to support and empower.

Many of the people who are on the registry and barred from certain employment have not been determined to be a future risk to children or vulnerable adults, yet are not able to access certain jobs or chaperone school field trips.

Vermont currently has agency discretion, through rule 2000 which states "In all cases where the policy requirements for substantiation have been met and the supervisor recommends not substantiating the individual(s) designated by division policy will make the final determination."

What did we find out when we spoke to other states?

In 14 of the 41 states interviewed, a secondary level of consideration prior to registry placement is available or required.

We found five general categories of approaches:

Agency discretion – Typically this looks like a person in the chain of command looking at the case and making an independent judgment that the case should not be placed on the registry. These states allow for discretion, but they don't require it in every case. In these jurisdictions, they didn't seem to have any type of set guidance to govern this discretion. Arkansas, Kentucky, Louisiana, Montana and Oklahoma appear to fall into this category. Arkansas, Kentucky, Louisiana, and Montana have this sit with an individual or with a particular role. Oklahoma has a committee.

Structural approach – These jurisdictions have different types of findings and depending on the finding, the case will or will not go onto the registry. Kansas and Utah all have an approach where certain findings go into the registry and others do not. Kansas only has substantiated cases go into the registry – affirmed findings do not. Utah only has supported that are severe and chronic go on the registry.

Individualized, routinized case analysis – Connecticut, Delaware and New Jersey have policies that push the workforce to analyze every case where they could substantiate to determine if they should place the person on the registry.

Blend of Structural and Individualized–Iowa has a finding that is “confirmed – no registry”. Certain types of maltreatment are eligible for this finding including: (1) physical abuse, (2) denial of critical care – adequate supervision and (3) denial of critical care – clothing. Cases are eligible for “confirmed – no registry” if they are determined to be “minor, isolated and unlikely to reoccur”.

Post – Substantiation Discretion – Maryland and Rhode Island have approaches where they substantiate cases, place them on the registry but then have discretion to not report out certain types of findings at the point of a background check.

The Details

The following constructs were reported by states:

- **Arkansas:** Supervisor can request no placement to administrator.
- **Connecticut:** Department must determine that perpetrator present risk to children prior to placement.
- **Delaware:** Supervisor can request registry tier change to “substantiated-no registry.”
- **Iowa:** Determines if case should be confirmed – no registry placement or founded based on type of abuse and other factors. Confirmed – no registry placement is possible in physical abuse, denial of critical care adequate supervision, denial of

critical care clothing. In order to be considered for confirmed – no registry placement the incident also must be minor, isolated and unlikely to reoccur. Some founded cases can also qualify for removal from registry at 5 years- physical abuse, denial of critical care and presence of illegal substances in child's body are eligible for removal at 5 years if no death or serious injury occurred.

- **Kansas:** Affirmed findings do not go on registry; substantiated cases go on registry.
- **Kentucky:** Supervisor discretion can be applied to not place founded cases on registry.
- **Louisiana:** Certain valid findings can be downgraded to either stay on the registry for less time or not go on at all
- **Maryland:** Statute states "may report out" so they don't have to share every indicated case.
- **Montana:** Regional administrator determines if placement is warranted even if elements necessary for substantiation are met.
- **New Jersey:** Yes- only substantiated cases go into registry. Established cases do not. This is based on analysis of aggravating and mitigating circumstances. SEE PROTOCOL
- **Oklahoma:** Committee reviews to determine if registry placement is warranted.
- **Utah:** Only supported cases that are severe and chronic are entered on registry.
- **Wisconsin:** Required to make maltreatment determination; not required to do a "named maltreater" on the registry.
- **Rhode Island:** All substantiated cases are placed on the registry, however only some are considered disqualifying at point of background check.

Other highlights

Maine: Allowable findings – After an investigation or assessment, the Department may make one or more of the following findings:

- **Unsubstantiated:** Unsubstantiated means an administrative finding made by the Department that there is insufficient evidence to support the allegation that an individual or entity who was a person responsible for the child subjected that child to abuse or neglect.
- **Indicated:** Indicated means a finding made by the Department that an individual or legal entity was a person responsible for a child who was subjected to abuse or neglect, that the abuse or neglect was of low to moderate severity, and that the individual or legal entity poses no further threat of harm to children for whom the person might be responsible through employment or volunteer activities.

- **Substantiated:** Substantiated means an administrative finding made by the Department that an individual or legal entity was the person responsible for a child who was subjected to abuse or neglect where either (1) the abuse or neglect was of high severity or (2) the individual or legal entity poses a threat of harm to children for whom the individual or legal entity may become responsible through employment or volunteer activities.
- **More than one finding may be made.** For example, the Department may determine that a person is “substantiated” for risk of physical abuse to a child but that the same person is “unsubstantiated” for risk of sexual abuse to a child.

New Hampshire: “Founded Determination” means a specific allegation of child abuse or neglect where the Department has determined that there is a preponderance of the evidence to believe that a child has been abused and/or neglected:

1. **“Founded, Court Action”** means a determination by the court, either after a hearing or pursuant to a consent decree, that a child/youth has been found to be abused and/or neglected through a preponderance of evidence.
2. **“Founded, Problem Resolved”** means a determination by DCYF that there is a preponderance of evidence to believe that the child/youth has been abused and/or neglected and that the presenting danger has been resolved through the provision of services, supports, or other interventions to protect the child/youth and there are no ongoing safety concerns for the child/youth.
3. **“Founded, Services Only”** (Non-Court Agreement) means an agreement between the CPSW and the person responsible for the child abuse and/or neglect in which that parties agree that: the report is founded; the responsible party waives his or her right to an appeal; the responsible party’s name will be placed on the state’s Central Registry of founded reports of abuse and neglect; and, DCYF will provide services to the family to address the identified maltreatment.

New Jersey: A focal point of our study was New Jersey's four-tier model, which employs a decision-making tree to guide workers through a series of questions related to "absolutes"—conditions warranting automatic placement on the child protection registry—and considers aggravating and mitigating factors. When aggravating factors prevail, the recommendation is for substantiation with registry placement; when mitigating factors prevail, the recommendation is for an internal finding without registry placement.

Building on this framework, Vermont has developed and is proposing its own three-tier model designed to align with our statutory structure and the goals of Act 154. This proposed model

introduces an internal “founded” category for situations where abuse or neglect has occurred but where mitigating factors indicate that placement on the Child Protection Registry is not warranted.

The Department has spent considerable time reviewing this approach with both internal stakeholders and members of the Children’s Justice Act Task Force (CJATF). These discussions have focused on ensuring that the model achieves consistency in decision-making, enhances fairness, and preserves public confidence in the registry process. The proposal remains in an active feedback-gathering phase, and continued input from partners, advocates, and community representatives will guide its refinement.

Implementation and Future Directions

Implementing an oversight structure similar to New Jersey's model in Vermont will require foundational support. We have initiated this process by involving supervisors in reviews of overturned decisions, inviting workers to discuss their case determinations, and fostering a learning culture that encourages inquiry and feedback. This approach aims to enhance psychological safety and transparency, ultimately leading to more consistent and informed decision-making in child protection cases. By sharing these recommendations statewide with workers, supervisors, and Division leadership, Vermont is committed to evolving its child safety practices to better protect vulnerable children and align with national best practices.



The Road Ahead

The work described in this document reflects years of analysis, dialogue, and reflection, but our shared effort is still unfolding. Over the coming months, we will continue meeting with partners and stakeholders to refine Vermont's approach before presenting recommendations to the Legislature in January. The spring rulemaking process will then turn these ideas into policy.

The child protection registry is not about seeking justice for a child victim, nor is it about labeling unfortunate parenting choices. The function of the child protection registry is to provide a tool for employers to ensure the safety of children and vulnerable adults.

This is a moment to reaffirm our collective commitment — to building a fair process where only those who truly need to be on the Child Protection Registry experience the deprivation factor of a substantiation. Refining our process will help us become more laser-focused where we need to be in the realm of child safety, ensuring our time, attention, and resources are directed toward protecting children most at risk. Together, we are shaping a system that safeguards children and vulnerable adults, supports families, and honors the rights and opportunities of all Vermonters.

