Can I appeal the decision made by the Office of Administrative Hearings?

Yes. You can file an appeal with the Circuit Court within 30 days of notice of the Department's final decision.

After my name has been on the Central Registry, can it be taken off?

South Dakota law allows you to request the removal of your name from the Central Registry after a period of 5 years since the last substantiated finding of child abuse or neglect by the Department, unless your name is on the Central Registry for certain crimes.

To request to have your name removed from the Central Registry, call 605-773-3227. You can also send a letter to:

Department of Social Services
Division of Child Protection Services
700 Governors Drive
Pierre, SD 57501

Be sure to include the following:

- information on what is being requested,
- name and birth date,
- names and birth dates of any children and
- a return mailing address.

Who can I contact for more information?

Department of Social Services:
Phone: 605-773-3227
Email: CPS@state.sd.us
Website: www.dss.sd.gov/cps

Department of Social Services'
Division of Child Protection Services

Phone: 605-773-3227

Email: CPS@state.sd.us

Website: www.dss.sd.gov/cps

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South Dakota's Central Registry of Child Abuse and Neglect

A guide to understanding the Central Registry process.

DSS
Strong Families - South Dakota's Foundation and Our Future

What is the Central Registry?

The Central Registry is a computer system that stores private information about parents or other caretakers who have a court finding of child abuse or neglect or a substantiated report of child abuse or neglect found by the Department of Social Services' Division of Child Protection Services (CPS).

The Central Registry is **not** available to the public and it is **not** a sex offender registry.

What is the purpose of the Central Registry?

The purpose of the Central Registry is to assure safety of children placed in licensed facilities and homes in South Dakota.

Who has access to the information on the Central Registry?

Only staff from the Department of Social Services who have the legal responsibility to handle child abuse or neglect cases can access information on the Central Registry.

How do you get on the Central Registry?

Your name can be put on the Central Registry if you are a parent or other caretaker who has a court finding of child abuse or neglect, or who has a substantiated report of child abuse or neglect found by CPS, or if you have a conviction of certain crimes against a child.

How do I find out if my name will be added to the Central Registry?

If you have been found to have abused or neglected a child, through an investigation by CPS, you will be sent a letter.

The letter tells you if your name will be added to the Central Registry. It explains the process of how you can object to your name being placed on the Central Registry.

If my name is on the Central Registry, what jobs are affected?

If your name is on the Central Registry, it limits your ability to work in the following facilities and homes licensed by the Department of Social Services:

- group care
- psychiatric residential
- intensive residential or other types of residential facilities for children
- child placement agencies
- foster and adoptive homes

You will not be able to work for the Department of Corrections Juvenile Division, Department of Human Services treatment programs for adolescents, Department of Social Services' Divisions of Child Protection Services and Child Care Services, or any Head Start Program. Having your name on the Central Registry also restricts you from working in licensed day care centers and in registered or non-registered family day care homes.

Places such as schools, hospitals or drug and alcohol facilities **may not** screen for your name on the Central Registry.

Is there anything else affected if my name is on the Central Registry?

If your name is on the Central Registry, you cannot live in a home where day care is provided, nor can you live in a licensed foster care home or a home approved for adoption.

If you do live in a home where these services are provided, the licensee will lose their license to provide care. It is also possible that both you and the licensee will be charged with a misdemeanor crime.

Can I object to my name being placed on the Central Registry?

Yes. If your name is placed on the Central Registry as a result of a court action, you must use the court appeals process. If your name is placed on the Central Registry as a result of a substantiated report of child abuse or neglect found by the Division of Child Protection Services, you must request an appeal with the Office of Administrative Hearings **within 30 days from the date you receive the notice or on the last day the post office attempts delivery of the notice**. If you do not request an appeal within 30 days from the date you receive the notice, your name will be placed on the Central Registry.

How do I request that my name NOT be placed on the Central Registry?

The Office of Administrative Hearings provides fair and timely hearings, similar to non-jury trials in a court of law.To request a hearing, please do so in writing and send it to the following address: Department of Social Services, Office of Administrative Hearings, 700 Governors Drive, Pierre, SD 57501.

After the request is received, the Office of Administrative Hearings schedules a hearing. A notice of the hearing date will be sent to you and provide you with information about the hearing process.

What happens after the hearing?

A pending decision is issued by the Office of Administrative Hearings. If the decision is in your favor, your name **will not be placed** on the Central Registry. If the decision is in the Department's favor, your name **will be placed** on the Central Registry 10 days later.