

South Dakota's Central Registry of Child Abuse and Neglect

The Central Registry is a component within the Department of Social Services, Division of Child Protection Services (CPS) computer system that stores private information about parents, guardians or other caretakers who have a court finding of child abuse or neglect, or a substantiated report of child abuse or neglect. The Central Registry is not available to the public and is not a sex offender registry.

The purpose of the Central Registry is to assist in assuring safety of children placed in licensed facilities, foster homes and other child/adolescent care settings in South Dakota. Only staff from DSS who have the legal responsibility to handle child abuse and neglect cases can directly access information on the Central Registry. There is a confidentiality law which directs when and to whom DSS can release information.

An individual's name can be placed on the Central Registry if the individual is a parent, guardian or other caretaker and has a court finding of child abuse or neglect, a conviction for certain crimes against a child or a substantiated report of child abuse or neglect as determined by a Child Protection Services (CPS) assessment or a law enforcement investigation. If an individual has been found to have abused or neglected a child, through an assessment by CPS or investigation by law enforcement, the individual will be sent a letter providing notice of the intended action. The letter informs the individual their name will be placed on the Central Registry, and explains the process of how the individual can object to their name being placed on the Central Registry.

If an individual's name is on the Central Registry, it restricts the individual's ability to work in the following facilities and homes licensed by DSS:

- Registered day cares
- Licensed child care centers
- Group care centers
- Residential facilities
- Child placement agencies
- Intensive residential
- Other types of residential facilities for children.

An individual may also not be able to work for the Department of Corrections Juvenile Division, Department of Human Services treatment programs for adolescents, DSS' Division of Child Protection Services and Child Care Services or any Head Start Program. If an individual's name is on the Central Registry, the individual is also restricted from working in a non-registered family day care home. In addition, the individual cannot be licensed as a family foster home or approved for adoption, cannot live in a licensed family foster home or home approved for adoption, nor can the individual live in a home where day care is provided. If an individual lives in a home where these services are provided, the licensee will lose their license to provide care. It is also possible for both the individual and the licensee to be charged with a misdemeanor crime. Places such as schools and hospitals may not screen an individual's name against the Central Registry.

Central Registry Appeal Process

If an individual's name is placed on the Central Registry as a result of a court action, the person will need to make a request through the court appeals process to object to their name being placed on the Central Registry. If an individual's name is placed on the Central Registry as a result of a substantiated report of child abuse or neglect as determined by a CPS assessment or law enforcement investigation, the individual must request an appeal with the DSS Office of Administrative Hearings within 30 days from the date the notice is received, or on the last day the post office attempts delivery of the notice. If an appeal is not requested within 30 days from the date of either of those dates, the individual's name will be placed on the Central Registry. To appeal the decision to place their name on the Central Registry, the individual will request a hearing through the Office of Administrative Hearings. To request a hearing, please do so in writing and send to:

Department of Social Services
Office of Administrative Hearings
700 Governors Drive
Pierre, SD 57501

After the request is received, the Office of Administrative Hearings will schedule a hearing. A notice of the hearing date with information about the hearing process will be sent to the individual. Following the hearing, a pending decision is issued by the Office of Administrative Hearings. If the decision is in the individual's favor, their name will not be placed on the Central Registry. If the decision is in the Department's favor, the individual's name will be placed on the Central Registry 10 days later if the pending decision is made final. An appeal can be filed with the Circuit Court within 30 days of notice of the Department's final decision.

Requesting Removal from Central Registry

South Dakota law allows an individual to request the removal of their name from the Central Registry after a period of five years since the last substantiated finding of child abuse or neglect, unless the individual's name is on the Central Registry for certain crimes. An individual can make the request to have their name removed from the Central Registry once the five year requirement is met by sending a letter to:

Department of Social Services
Division of Child Protection Services
Attn: JoLynn Bostrom
2200 W Main Street
Sturgis, SD 57785

The letter needs to include the following:

- Information on what is being requested
- Name, any alias and birth date
- Names and birth dates of all children
- Return mailing address and telephone number