

Can the decision made by the Office of Administrative Hearings be appealed?

Yes, an appeal can be filed with the Circuit Court within 30 days of notice of the Department's final decision.

After a person's name has been on the Central Registry for a period of time, can it be removed at a later time?

South Dakota law allows a person 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 person's name is on the Central Registry for certain crimes.

A person can make the request to have their name removed from the Central Registry once the five year requirement is met by calling 605.773.3227.

The person can also send 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
- ✓ a return mailing address and telephone number

For more information,
please contact
Department of Social Services
Division of Child Protection Services

Phone: 605.773.3227

Email: CPS@state.sd.us

Online: dss.sd.gov/childprotection/

**To report child abuse or
neglect, call 1.877.244.0864**

South Dakota's Central Registry of Child Abuse and Neglect

**A guide to understanding the
Central Registry Process**

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What is the Central Registry?

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.

What is the purpose of the Central 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.

Who has access to the information on the Central Registry?

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 DSS can release information.

How is a person's name placed on the Central Registry?

A person's name can be placed on the Central Registry if the person 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 CPS assessment or law enforcement investigation.

How does a person find out if their name will be placed on the Central Registry?

If a person has been found to have abused or neglected a child, through an assessment by CPS or investigation by law enforcement, the person will be sent a letter providing notice of the intended action.

The letter informs the person if their name will be

placed on the Central Registry, and explains the process of how the person can object to their name being placed on the Central Registry.

If a person's name is on the Central Registry, what job possibilities are affected?

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

- ✓ registered day cares, licensed child care centers or group care centers
- ✓ residential facilities
- ✓ child placement agencies
- ✓ intensive residential or other types of residential facilities for children

A person 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 a person's name is on the Central Registry, the person is also restricted from working in a non-registered family day care home.

Places such as schools and hospitals may not screen a person's name against the Central Registry.

Is there anything else which can be affected if a person's name is on the Central Registry?

If a person's name is on the Central Registry, the person 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 person live in a home where day care is provided.

If a person 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 person and the licensee to be charged with a misdemeanor crime.

Can a person object to their name being placed on the Central Registry?

Yes. If a person'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 a person'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 person 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 person's name will be placed on the Central Registry.

How does a person make a request to appeal the decision to place their name on the Central Registry?

The Office of Administrative Hearings provides fair and timely hearing, similar to non-jury trials in a court of law. 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 person.

What happens after the hearing?

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