

DIVISION OF CHILD AND FAMILY SERVICES APPEALS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill amends provisions relating to the maintenance of division reports.

Highlighted Provisions:

This bill:

- ▶ establishes time frames for the expungement of a division report;
- ▶ requires the division to make rules regarding expungement of a division report; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-4a-1008, as renumbered and amended by Laws of Utah 2006, Chapter 77

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **62A-4a-1008** is amended to read:

62A-4a-1008. Time frames for deletion or expungement of specified information or reports.

(1) [~~Unless the executive director determines that there is good cause for keeping a report of abuse or neglect in the Management Information System, based on standards established by rule, the~~] The division shall delete any reference in the Management Information

30 System or Licensing Information System to:

31 (a) a report that is determined by the division to be without merit, if no subsequent
32 report involving the same alleged perpetrator has occurred within one year; or

33 (b) a report that is determined by a court of competent jurisdiction to be
34 unsubstantiated or without merit, if no subsequent report involving the same alleged
35 perpetrator has occurred within five years.

36 (2) ~~(a)~~ The division shall maintain a separation of reports as follows:

37 ~~(i)~~ (a) those that are supported;

38 ~~(ii)~~ (b) those that are unsupported;

39 ~~(iii)~~ (c) those that are without merit;

40 ~~(iv)~~ (d) those that are unsubstantiated under the law in effect ~~[prior to]~~ before May 6,
41 2002;

42 ~~(v)~~ (e) those that are substantiated under the law in effect ~~[prior to]~~ before May 6,
43 2002; and

44 ~~(vi)~~ (f) those that are consented-to supported findings under Subsection
45 [62A-4a-1005\(3\)\(a\)\(iii\)](#).

46 (3) On or before May 1, 2018, the division shall make rules, in accordance with Title
47 63G, Chapter 3, Utah Administrative Rulemaking Act, for the expungement of supported
48 reports or unsupported reports in the Management Information System and the Licensing
49 Information System.

50 (4) On or before November 1, 2017, the division director shall report to the Health and
51 Human Services Interim Committee on the progress that the division is making toward the
52 development and adoption of the administrative rules required under this section.

53 (5) The rules described in Subsection (3) shall:

54 (a) in relation to an unsupported report or a supported report, identify the types of child
55 abuse or neglect reports that:

56 (i) the division shall expunge within five years after the last date on which the
57 individual's name was placed in the information system, without requiring the subject of the

58 report to request expungement;

59 (ii) the division shall expunge within 10 years after the last date on which the
60 individual's name was placed in the information system, without requiring the subject of the
61 report to request expungement;

62 (iii) the division may expunge following an individual's request for expungement; and

63 (iv) the division may not expunge due to the serious nature of the specified types of
64 child abuse or neglect;

65 (b) establish an administrative process and a standard of review for the subject of a
66 report to make an expungement request; and

67 (c) define the term "expunge" or "expungement" to clarify the administrative process
68 for removing a record from the information system.

69 (6) If an individual's name is in the information system for a type of child abuse or
70 neglect report identified under Subsection (5)(a)(iii), the individual may request to have the
71 report expunged 10 years after the last date on which the individual's name was placed in the
72 information system for a supported or unsupported report.

73 (7) If an individual's expungement request is denied, the individual shall wait at least
74 one year after the issuance of the denial before the individual may again request to have the
75 individual's report expunged.

76 ~~[(b)]~~ (8) Only persons with statutory authority [have] may access [to] the information
77 contained in any of the reports identified in Subsection (2)[(a)].