

Guidelines For Determining Whether Indicated Instances Of Child Abuse And Maltreatment Are Relevant And Reasonably Related To Employment Or Licensure

Provided to Subjects of Indicated Reports Requesting Expungement or Amendment

Factors to Consider in Assessing an Applicant's or Employee's Risk to Children

The agency must determine, on the basis of the available information, whether to approve an application of a person or retain a person who is the subject of an indicated report. In making such a determination, the following factors should be considered, although not all factors will be relevant to each particular case:

- 1) the seriousness of the incident(s) cited in the indicated report(s);
- 2) the seriousness and extent of any injury sustained by the child(ren) named in the indicated report(s);
- 3) any detrimental or harmful effect on the child as a result of the applicant's or employee's actions or inactions and relevant events and circumstances surrounding these actions and inactions as these relate to the indicated report(s);
- 4) the age of the subject and child at the time of the incident(s) of child abuse and maltreatment;
- 5) the time which has elapsed since the most recent incident of child abuse and maltreatment;
- 6) the number of indicated incidents of abuse and maltreatment; (Where there is more than one substantiated incident, you should evaluate each incident separately. You should also evaluate the total effect of all indicated incidents when assessing the risk the person might pose to the safety and well-being of the children.)
- 7) the degree to which the position entails supervision of, interaction with, and/or opportunity to be with a child or children on a regular and substantial basis and whether the position may involve being alone with a child or children or in the presence of other adults;
- 8) any information produced by the applicant or employee or produced on his behalf in regard to his rehabilitation. Rehabilitation is a showing by the applicant or employee of positive and successful efforts to rectify a problem which resulted in child abuse or maltreatment so that children under his or her care will not be in danger. In finding rehabilitation it should be shown:
 - a) that acts of child abuse and maltreatment apparently have not been repeated;
 - b) that evidence exists of actions taken by the person which show that he or she is now able to deal positively with a situation or problem that gave rise to the previous incident(s) of child abuse and maltreatment; and
 - c) when relevant, that professional treatment (e.g., counseling or self help groups) has been successful.
- 9) that employment or practice in childcare field has been successful.
- 10) although, as earlier stated, each report must be carefully reviewed extra weight and scrutiny must be given to a report(s) where the abuse or maltreatment resulted in a fatality, sexual abuse, subdural hematoma, internal injuries, extensive lacerations, bruises, welts, burns, scalding, malnutrition or failure to thrive.

Application or Employment Decision

The decision of whether to approve an application of a person or retain a person who is the subject of an indicate SCR report(s) should be made on a case-by-case basis utilizing the above guidelines. Before approving an