



CHILD PROTECTION REGISTRY

FAMILY COURT OF THE STATE OF DELAWARE

<https://courts.delaware.gov/family>

Family Court Contact Information

New Castle County

Leonard L Williams
Justice Center
500 N. King Street
Wilmington, DE 19801
302-255-0300

Kent County

Family Courthouse
400 Court Street
Dover, DE 19901
302-672-1000

Sussex County

Family Courthouse
22 The Circle
Georgetown, DE 19947
302-855-7400

All Family Court Forms, FAQs, Filing Instruction Packets, and additional information can be found on the Family Court Website at:

<https://courts.delaware.gov/family>

What is the Child Protection Registry?

The Child Protection Registry contains the names of individuals who have been substantiated for incidents of abuse or neglect since August 1, 1994.

What does substantiated mean?

Substantiation is the process by which the Division of Family Services investigates an allegation of abuse or neglect. If DFS determines that the abuse or neglect occurred, then the allegation is “substantiated”.

What is the purpose of the Child Protection Registry?

The primary purpose of the Child Protection Registry is to protect children and to ensure the safety of children in childcare, healthcare, and public educational facilities.

Who is not included on the Child Protection Registry?

The Child Protection Registry does not include individuals substantiated for dependency, parent and child conflict, adolescent problems, or cases opened for risk of child abuse and neglect.

How do you get on the Child Protection Registry?

Upon completion of an investigation of child abuse and neglect by DFS, there are three ways an individual can be placed on the registry:

1. Automatically 30 days after the Division of Family Services mails a Notice of Intent to Substantiate if no hearing is requested in Family Court.
2. By order of Family Court after a substantiation hearing.
3. By plea or conviction of a criminal offense based on the same incident of abuse or neglect, if no Petition for a Limited Purpose Hearing is filed.

What is a Limited Purpose Hearing?

If a person receives a Notice of Intent to Substantiate from the Division of Family Services that it intends to enter him or her on the Child Protection Registry as a result of a conviction for an offense set forth in 16 Del. C. § 923, that person has a right to file a Petition for Limited Purpose Hearing. The

Petition shall be filed in Family Court within 30 days of the Notice of Substantiation, shall include a copy of the Notice of Substantiation and shall set forth why the person alleges the conviction does not meet the requirements set forth in 16 Del. C. 922 (1) that the conviction is based on the same incident of abuse or neglect on which the substantiation proceeding is premised.

Are sex offenders included on the Child Protection Registry?

No. A separate Sex Offender Registry is maintained by the Delaware State Police, State Bureau of Identification.

Who has access to the Child Protection Registry?

The Child Protection registry is not available to the public. The Division of Family Services, law enforcement agencies and the Department of Justice are the only agencies who have access to the Registry.

Who can obtain information from the Child Protection Registry?

The Division of Family Services responds to requests from employers in child care, health care and public schools wishing to obtain a Child Protection Registry background check for all potential employees. These requests are only granted with the written consent of the individual about whom they are seeking information. The Department of Services for Children, Youth and their Families also requests this information when an individual applies for employment with their agency and in determining eligibility to become a foster or adoptive parent.

How do I know if my name is on the Child Protection Registry?

The case worker assigned to investigate a case will send a Notice of Intent to Substantiate for Abuse or Neglect informing the person that the Division intends to substantiate them for abuse or neglect. The letter will specify the Child Protection Level and the consequences. An individual may also contact the Division of Family Services to find out if they are on the registry.

I am registered at Level IV. Can my Name be removed?

Level IV is reserved for the most severe cases of abuse and neglect. Individuals placed on this level as an adult remain on the registry permanently. If you were entered on the Child Protection Registry as an adult, your name cannot be removed.

If you were entered at Level IV as a child, you can petition Family Court for review at any time after your 18th birthday. Removal decisions are at the discretion of the Court.

What if I want to appeal the decision of the Family Court?

Because the decision will be rendered by a Family Court Commissioner, you may file a Request for Review of Commissioner's Order within 30 days of the decision. This appeal would be reviewed by a Family Court Judge.

Can I have my name removed from the Registry?

There are two ways to have your name removed from the registry:

1. Automatic Removal: A person who is entered on the Child Protection registry at Level 2 or Level 3 will automatically be removed after the required years have been completed for that level, provided the person has not been substantiated for another incident.
2. Early Removal: A person who is entered on the Child Protection Registry as an adult at Level 2 or Level 3, or as a juvenile at any level, may file a Petition for Removal from Child Protection Registry in Family Court. If entered on the Registry as a juvenile, the Petition cannot be filed before one's 18th birthday.

In considering the Petition for Removal, Family Court will review all relevant factors, including:

1. The nature and circumstances of the original substantiated incident.
2. Any substantiated incidents of abuse or neglect while on the Registry.
3. The criminal history of the person, including whether the person's criminal record of arrest or conviction of the incident leading to placement on the Registry was expunged.
4. Compliance with the terms of probation, if applicable.
5. The risk the registrant poses to the victim, the community and other potential victims.
6. The impact of registration and employer notification on the victim, community and other potential victims.
7. The rehabilitation of the person, or successful completion of a program of evaluation and treatment including any court-ordered or division-recommended case plan.
8. The adverse impact of registration on the person and the rehabilitative process, including the impact on employment opportunities.

Removal from the Registry means only that your name may no longer be reported to childcare, health care, and public schools upon their request. Your name and other case information will remain as part of the Division's internal information system and will be reported in response to application for employment in the Department of Children, Youth and Their Families, foster and adoptive parent decisions and child care licensing decisions, among others.

How can I file my petition and related paperwork?

Petitions and papers may be filed at or mailed to the Family Court in each county. Family Court also now accepts petitions and papers by email. To file your petition by email, you must send the petition and all required forms to: FC_Substantiations@delaware.gov

Please see the below list for the forms that must be filed with your petition.

****Before filing by email, please review the Civil Filing by Email FAQ:**

<https://courts.delaware.gov/family/faqs>

Required Forms

- [Petition for Removal from the Child Protection Registry](#) (Form 171)

The law regarding the Child Protection Registry may be found in Title 16, Chapter 9, Subchapter II of the Delaware Code. The Delaware Code is located in the law library in each county and online at <http://www.delcode.delaware.gov>.

The regulations followed by the Division of Family Services may be found in Title 9 of Delaware's Administrative Code. The Administrative Code is located online at <http://regulations.delaware.gov/admincode>.