

CHECKLIST FOR RETROACTIVE REVIEW

Eligibility For Retroactive Review

Legal reference: Iowa Code section 235.18 (as amended by 1997 Iowa Acts, House File 698, Section 11, effective July 1, 1997) and 441 Iowa Administrative Code 175.14(235A) and 175.40 (235A)

A. Determine whether the report is eligible for retroactive review.

- _____ 1. There is a request for a record check evaluation (you have received a 470-2310) **AND**
- _____ 2. The abuse report finding is physical abuse, denial of critical care through lack of proper supervision or lack of adequate clothing.

If **both** #1 and #2 apply to this report, proceed to Step B. If one or both circumstances do not apply, proceed with record check evaluation, because the report is not eligible for a retroactive review.

B. Determine if there are other reasons to keep this report on the Registry.

- _____ 1. The case was referred for juvenile or criminal court action, or the county attorney or juvenile court has initiated court action based on this report.
- _____ 2. The abuse took place in a licensed, registered, unregistered, or regulated facility or service.
- _____ 3. The STAR or ACAN system contains another report naming this person as responsible for the abuse of a child within 18 months before the intake date of the report being reviewed.

If #1, #2, or #3 apply to this report, proceed with record check evaluation, because the report is not eligible for retroactive review. If none apply, proceed to Step C

C. Determine whether the person responsible for the abuse poses a danger to the child named or to any other child that the person may come into contact with

If so, proceed with the record check evaluation because the report is not eligible for retroactive review. If not, proceed to the next step.

Determining if Report Should Be Removed From the Central Abuse Registry.

To be removed from the Registry, a report must be determined to be a minor injury or risk of injury **and** be determined to be isolated and unlikely to reoccur.

A. Isolated. Check the STAR and ACAN system for other reports naming this person as responsible for the abuse of a child.

If there are no such reports, proceed to B. Unlikely to Reoccur. If there is another report, proceed with the record check evaluation because the report does not meet the criteria for removal from the Registry.

B. Unlikely to Reoccur. (Check the circumstances that apply to this incident of abuse.)

- _____ 1. The responsible caretaker's response to the incident of abuse and receptiveness to alternative methods of discipline, care or supervision indicate that incident is unlikely to reoccur.
- _____ 2. The contributing factors to the abuse no longer present.

If both #1 and #2 apply to this report proceed to C. Minor Injury or Risk of Injury. If one or both circumstances do not apply, proceed with record check evaluation, because the report does not meet the criteria for removal from the Registry.

C. Minor Injury or Minor Risk. (Check the circumstances that apply to this incident of abuse.)

Injury (For physical abuse reports)

- _____ 1. The nonaccidental injury was an injury such as red marks and faint bruising or was minor in size and location. The injury could be determined accidental when considering the minor nature of the injury.
- _____ 2. The nonaccidental injury did not occur to an infant or toddler.

If both #1 and #2 apply to this report, the physical abuse can be considered minor.

Risk of injury (for denial of critical care by lack of proper supervision or lack of adequate clothing.)

If the length of time the endangerment occurred was brief, making the likelihood that the child would have been harmed remote then the report could be considered minor. Proceed to D. Recommendation

D. Recommendation

- _____ 1. The incident meets the criteria as specified in A. and B. and C, and therefore the recommendation is that the report be removed from the Central Abuse Registry. Follow the procedures below.
- _____ 2. The incident does not meet at least one of the criteria specified in A., or B, or C, and therefore the recommendation is that the report should not be removed from the Central Abuse Registry. Proceed with record check evaluation.

Procedure for Recommending Removal of Report from the Central Abuse Registry

Complete a cover letter indicating the date of the review, identifying the reviewers, the ACAN or STAR incident number of the report, the identity of the person responsible for the abuse and the reason that staff are recommending the report be removed from the Central Abuse Registry.

Provide the child abuse report, the copies of the Child Abuse Notifications and a copy of your checklist. Submit to Retroactive Review/Record Check Evaluation, DHS, ACFS, 5th Floor Hoover Building, Des Moines, Iowa 50319-0114.

The Registry will notify you and the requester and the subjects of the report of the final decision. The Registry will state the date the report will be expunged from the Registry. (This will be five years from the intake date of the report.)

Upon notification from Registry that your recommendation for removal has been accepted, proceed with licensing, registration, or adoption approval procedures. Retain the case record as a service record with access limited to the family and to those who secure a release from the family if the report has been on the registry less than five years. Destroy the record if the report has been on the Registry five or more years.

Upon notification from the Registry that your recommendation for removal has not been accepted by the Registry, proceed with record check evaluation.