

**R512. Human Services, Child and Family Services.**

**R512-76. Expungement of DCFS Allegations.**

**R512-76-1. Purpose and Authority.**

(1) The purpose of this rule is to define the criteria for the expungement of an allegation associated with an individual who is identified as a perpetrator or alleged perpetrator in the Management Information System (MIS) and the Licensing Information System (LIS).

(2) This rule is authorized by Sections 62A-4a-102 and 62A-4a-1008.

**R512-76-2. Definitions.**

(1) "CPS" means Child Protective Services.

(2) "DCFS" means the Division of Child and Family Services.

(3) "Expungement" means to seal an allegation associated with an individual identified as a perpetrator or alleged perpetrator that meets the criteria for expungement.

(4) "LIS" means the Licensing Information System as described in Section 62A-4a-1006.

(5) "MIS" means the Management Information System as described in Section 62A-4a-1003.

**R512-76-3. Internal Process.**

(1) An individual may submit a written request to expunge an allegation in which they are identified as a perpetrator or alleged perpetrator in the MIS or LIS. If the perpetrator or alleged perpetrator is a minor at the time expungement is sought, the perpetrator or alleged perpetrator's parent or guardian may submit the written request to expunge the allegation,

(2) Eligibility is based on the meeting of the criteria for expungement as outlined in the Criteria for Expungement subsection of this rule.

(3) If the individual does not meet the criteria for expungement, the request will be denied. The individual shall wait at least one year before submitting the same request.

(4) Decisions to approve or deny expungements are governed by the criteria for expungement and are not at the discretion of the division.

**R512-76-4. Criteria for Expungement.**

(1) Automatic Expungement after one year:

(a) All allegation types with a finding of Without Merit will be automatically expunged if:

(i) One year has passed since the CPS case closure date with no subsequent CPS case, including unaccepted referrals, involving allegations against the same alleged perpetrator.

(2) Automatic Expungement after five years:

(a) All allegation types Unsubstantiated or found to be without merit by the Juvenile Court will be automatically expunged if:

(i) Five years have passed since the CPS case closure date with no subsequent CPS case, including unaccepted referrals, involving allegations against the same alleged perpetrator.

(ii) Allegations of dependency and educational neglect with a finding of Unsupported or Supported will be automatically expunged after five years if:

(A) The original CPS case did not result in an ongoing case or removal due to the allegations involving the alleged perpetrator or the perpetrator; and

(B) Five years have passed since the CPS case closure date with no subsequent CPS case, including unaccepted referrals, involving allegations against the alleged perpetrator or perpetrator.

(3) Expungement Upon Request after five years:

(a) After five years have passed since the CPS case closure date, an individual may request an expungement on the following Unsupported General Findings:

- (i) Child Endangerment;
- (ii) Dealing in Material Harmful to a Child;
- (iii) Dental Neglect;
- (iv) Dependency;
- (v) Domestic Violence Related Child Abuse;
- (vi) Educational Neglect;
- (vii) Emotional Abuse;
- (viii) Emotional Maltreatment;
- (ix) Environmental Neglect;
- (x) Failure to Protect;
- (xi) Failure to Thrive;
- (xii) Juvenile Perpetrator of Sexual or Physical Abuse;
- (xiii) Medical Neglect;
- (xiv) Munchhausen Syndrome by Proxy;
- (xv) Non-Supervision;
- (xvi) Pediatric Condition Falsification;
- (xvii) Physical Abuse;
- (xviii) Physical Health;
- (xix) Physical Neglect;
- (xx) Psychological Neglect;
- (xxi) Sibling or Child at Risk; and
- (xxii) Unknown.

(b) The expungement will be approved only if:

(i) The original CPS case did not result in an ongoing case or removal due to the allegations involving the alleged perpetrator;

(ii) Five years have passed since the case closure date with no subsequent CPS case, including unaccepted referrals, involving allegations against the same alleged perpetrator; and

(iii) There was no criminal conviction for the same incident.

(4) Expungement Upon Request after 10 years:

(a) After ten years have passed since the CPS case closure date, the perpetrator may request an expungement on the following Supported General Findings:

- (i) Child Endangerment;
- (ii) Dealing in Material Harmful to a Child;
- (iii) Dental Neglect;
- (iv) Dependency;
- (v) Domestic Violence Related Child Abuse;
- (vi) Educational Neglect;
- (vii) Emotional Abuse;
- (viii) Emotional Maltreatment;
- (ix) Environmental Neglect;
- (x) Failure to Protect;
- (xi) Failure to Thrive;

- (xii) Fetal Exposure to Alcohol or other Harmful Substances;
  - (xiii) Juvenile Perpetrator -- non-significant risk of Sexual or Physical Abuse;
  - (xiv) Medical Neglect;
  - (xv) Munchausen Syndrome by Proxy;
  - (xvi) Non-Supervision;
  - (xvii) Pediatric Condition Falsification;
  - (xviii) Physical Abuse;
  - (xix) Physical Health;
  - (xx) Physical Neglect;
  - (xxi) Psychological Neglect;
  - (xxii) Sibling or Child at Risk; and
  - (xxiii) Unknown.
- (b) The expungement will only be approved if:
- (i) The original CPS case did not result in an ongoing case or removal due to allegations involving the same perpetrator;
  - (ii) Ten years have passed since the CPS case closure date with no subsequent CPS case, including unaccepted referrals, involving allegations against the same perpetrator; and
  - (iii) There was no criminal conviction for the same incident.
- (5) Allegations Never Eligible for Expungement:
- (a) The following Supported or Unsupported allegations designated as Chronic and/or Severe and/or there was a criminal conviction for the same incident are never eligible for expungement:
    - (i) Abandonment;
    - (ii) Baby Doe;
    - (iii) Child Endangerment;
    - (iv) Chronic Abuse;
    - (v) Chronic Neglect;
    - (vi) Court Ordered;
    - (vii) Dealing in Material Harmful to a Child;
    - (viii) Dependency;
    - (ix) Domestic Violence Related Child Abuse;
    - (x) Educational Neglect;
    - (xi) Emotional Abuse;
    - (xii) Environmental Neglect;
    - (xiii) Failure to Protect;
    - (xiv) Failure to Thrive;
    - (xv) Fetal Addiction to alcohol or other substance;
    - (xvi) Fetal Exposure to Alcohol or other Harmful Substances;
    - (xvii) Juvenile Perpetrator - significant risk of Sexual or Severe Physical Abuse;
    - (xviii) Labor Trafficking;
    - (xix) Lewdness;
    - (xx) Medical Neglect;
    - (xxi) Medical neglect resulting in death/disability/serious illness;
    - (xxii) Non-Supervision;
    - (xxiii) Pediatric Condition Falsification;
    - (xxiv) Physical Abuse;
    - (xxv) Physical Neglect;
    - (xxvi) Ritual Abuse;
    - (xxvii) Safe Relinquishment of a Newborn;
    - (xxviii) Severe Abuse;

- (xxix) Severe Neglect;
- (xxx) Sexual Abuse;
- (xxxii) Sexual Exploitation;
- (xxxiii) Sexual Trafficking; and
- (xxxiiii) Sibling or Child at Risk.

(b) Any allegations with the following findings are never eligible for expungement:

- (i) False Report;
- (ii) Unable to Locate;
- (iii) Unable to Complete; and
- (iv) Substantiated by the Juvenile Court.

**KEY: child abuse, expungement of records**

**Date of Enactment or Last Substantive Amendment: November 7, 2019**

**Authorizing, and Implemented or Interpreted Law: 62A-4a-102;  
62A-4a-1008**