

September 2012

**Report to the Congress on the
Feasibility of Creating and
Maintaining a National Registry of
Child Maltreatment Perpetrators**

**U.S. Department of Health
& Human Services**

**Office of the Assistant Secretary
for Planning & Evaluation**



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EXECUTIVE SUMMARY

This Report to the Congress responds to a requirement in the Adam Walsh Child Protection and Safety Act of 2006 that directs the Department of Health and Human Services (HHS) to study the feasibility of a national registry of child maltreatment perpetrators (also known as a national child abuse registry). It follows up on an interim report issued in 2009. The feasibility study included several components. We surveyed key informants in the states to gain a better understanding of the content and operations of state registries and other repositories of information on child maltreatment perpetrators, and current practices with respect to interstate inquiries regarding alleged child maltreatment perpetrators. We also sought states' input as to their interest in participating in a voluntary national registry and the benefits and barriers they see related to their participation. Further, we reviewed relevant court cases in which aspects of states' child abuse registries have been challenged. This review informs our consideration of a due process procedure for a national registry, as required by the Adam Walsh Act. Finally, through a prevalence study we sought information to better quantify the potential benefits of a national registry of child maltreatment perpetrators, in particular by estimating the number of perpetrators nationally who have been substantiated as perpetrators of child abuse or neglect in multiple states. It is primarily in detecting such perpetrators that a national registry would have advantages beyond those of existing single state registries.

Several important challenges became clear as we examined the key issues in implementing a national registry of child maltreatment perpetrators. Among these were whether perpetrators could be accurately identified in a national registry; challenges to states' participation in a voluntary registry; and whether the information in common across existing state registries would be sufficient to produce the safety benefits sought.

State child welfare staff responding to our survey believed that the most significant potential benefit of a functional registry of child maltreatment perpetrators would be to save time on the part of workers who request maltreatment history information from other states. However, this benefit could only be realized if most States voluntarily participate in a registry, making state-to-state inquiries unnecessary. Among the 38 states responding to our survey, 26 reported that current laws or policies definitely or possibly prohibit their participation in a national registry. States are also concerned about the potential costs of participating, and some doubted a registry could provide sufficient information to be useful for child maltreatment investigations.

States' current child abuse registries contain relatively little detail on perpetrators, so a national registry would be likely to provide only a statement that "A person with the same name and birth date as [the subject] was substantiated for X type of maltreatment in Y State on Z date." For anything beyond that, the investigator would need to contact the state in which the matching record was found to inquire whether further details were available. If the primary use of a national registry is to conduct employment background checks, the additional workload related to addressing follow-up inquiries in these cases could negate any potential efficiency gain related to child maltreatment investigations. Only about one-third of states responding to our survey provide information from their state child abuse registries in response to out-of-state inquiries for employment background checks.

Our rough estimate of the federal costs of a child maltreatment perpetrators registry includes \$4 million for initial development and \$4 million to \$6 million in annual costs to maintain the registry and respond to inquiries. These estimates do not include states' costs to participate.

Following from the feasibility study's findings, HHS concludes the following:

- **Current statutory limits to the information that could be contained in a national registry would prevent the accurate identification of child maltreatment perpetrators.**

The Adam Walsh Act limits the identifying information about perpetrators that could be included in a registry to their name. Because many names are common, this limitation would cause a registry to produce very high rates of inaccurate, false positive matches. That is, the vast majority of all matches produced by a registry would falsely identify an individual as a child abuser because there is someone else in the database with the same or a similar name. More accurate matches would require additional identifying information regarding perpetrators. For instance, including perpetrators' sex and date of birth would significantly decrease the rate of inaccurate matches. In addition, most states, though not all, also have information on the Social Security numbers of perpetrators, the inclusion of which could further improve the accuracy of a national registry. However, even with this additional information, an indeterminate number of false positive identifications will still occur.

Additional steps could further improve the accuracy of identification within a registry, though these steps go beyond current practice in existing single state registries. For instance, fingerprint identification is used in the databases used to produce most criminal background checks. However, no state currently includes fingerprints in their child abuse and neglect data systems and adding such information to states' child maltreatment databases would be quite costly.

- **Under current law, the predominant use of a national registry would be for employment background checks not explicitly mentioned in the statute.**

Congressional debate about a national registry of child maltreatment perpetrators centered on the use of such a registry during child maltreatment investigations. While employment background checks are never mentioned in the law, as currently authorized we expect such inquiries to be the predominant use of a national registry. In states that use their existing registries for employment background checks, those inquiries far outnumber requests for information to be used in child abuse investigations. In addition, assuming the registry were used regularly for employment background checks in cases where single state checks are currently conducted, resolving questions about the accuracy of disputed matches could divert state staff resources and attention away from the investigatory functions that a national registry was promoted as improving.

- **If a national registry would be used for employment background checks, due process requirements for a national registry will need to be stronger than those in place in a number of states.**

Given the wide variations in state practice regarding existing due process protections for individuals entered into state child maltreatment registries, there are serious, legitimate concerns about using a national registry of child maltreatment perpetrators for conducting employment background checks. The Adam Walsh Act requires that this report discuss the due process requirements that would be necessary for a national registry. As is described more fully in the research volume that accompanies this report (see Appendix 1), there is considerable case law, in some respects conflicting, regarding the Constitutionally-required due process protections that are necessary for state child abuse registries that are used for employment background checks and that would therefore be required of a national registry intended to perform such a function. In addition, this is currently an area of active litigation and legislation. Since our 2009 interim report, at least 7 states have seen legislative or court consideration of due process issues regarding their state child abuse registries.

Federal requirements would need to be designed if a registry were actually implemented, taking into account the pertinent case law at the time of implementation. But as we suggested in our Interim Report to the Congress, we believe the only practical way to handle due process issues for a federal registry would be to establish minimum standards that a state would need to certify as having been met in the particular case before a name is added to the national registry. It would be extremely impractical for the Federal Government to put in place additional protections that had not been provided at the state level at the time of the state's original determination of an individual's status as a child maltreatment perpetrator.

Our current thinking is that minimum standards for due process in a national registry that is to be used for employment-related inquiries would include: (1) that the substantiation decision used a legal standard at least as strong as preponderance of the evidence (that is, that it is more likely than not that the maltreatment occurred and that the individual designated as the perpetrator was responsible); (2) that the perpetrator had the opportunity to challenge his or her designation as a perpetrator and that such challenges are resolved in a timely fashion; and (3) that the perpetrator was notified of their inclusion on the state's registry of maltreatment perpetrators and informed about the implications of their inclusion. While each of these protections is current practice in more than half of states, under these due process requirements some states would need to make changes in their current investigation practices before it could place perpetrators' names in a national registry.

- **A national registry of child maltreatment perpetrators would provide limited information for child maltreatment investigations beyond what is already available from existing single state registries.**

Our study found no evidence of a widespread phenomenon of child maltreatment perpetrators who offend in multiple states. Our prevalence study revealed that 1.5 percent of persons identified as child maltreatment perpetrators in 2009 (an estimated 7,852 individuals) had any substantiated maltreatment incidents in another state within the preceding five years. The vast majority of those who did have an incident in another state had a single additional substantiation in a single additional state, most often for neglect. Exceedingly few had multiple incidents that would suggest a pattern of predatory behavior. In the 22 States that participated in our prevalence study there were 345 individuals who had more than two matches and just 44 individuals who had a substantiated child maltreatment investigation in more than one other state over a five year period. In addition, just one half of one percent of child maltreatment deaths in states participating in the study was attributed to a perpetrator who had a substantiated maltreatment report in another state (4 in total). In contrast, states' existing child maltreatment registries typically report repeated substantiated maltreatment incidents (within the same state and over a similar five-year time period) in roughly 17 percent of cases and there were over nine hundred child deaths in study states that were attributed to perpetrators who did not have substantiated maltreatment investigations in other states.

- **A lack of participation in a voluntary registry system could prevent a registry from fulfilling its intent.**

The best designed database of information about perpetrators will not be helpful for child maltreatment investigations if states do not populate it with information on perpetrators. There are numerous issues that may inhibit states' participation in a national registry. Chief

among these is states' costs to participate. This includes the technology costs of establishing secure systems with which to exchange information with a federal registry, working with the Federal Government around issues of establishing systems to verify the identities of legitimate users of the registry, and, potentially, altering their investigation and appeals procedures to conform to federal due process standards.

Encouraging state participation could take several forms. In particular, states would be much more likely to participate in a federal registry if the Federal Government provides funding to help cover implementation costs. Alternatively, funds for related federally funded programs could be conditioned on participation in a national registry. However, should states choose to forgo such other funding, an attempt to leverage participation could undermine rather than bolster states' child protection activities.

In sum, a number of steps must be taken if a national registry of child maltreatment perpetrators were to be implemented in a way that could accurately identify perpetrators, protect individuals with common names from being falsely identified, protect the rights of those identified as perpetrators, and secure the voluntary participation of most states. Accomplishing this, a national registry could then provide limited information in response to inquiries, most likely a statement that "A person with the same name and birth date as [the subject] was substantiated for X type of maltreatment in Y state on Z date."

A decision to move forward with implementation should consider whether a national registry of child maltreatment perpetrators would successfully realize the child safety benefits that were anticipated in the discussion of this provision that surrounded the passage of the Adam Walsh Child Protection and Safety Act. In addition, particularly given current budget realities, an implementation decision should consider whether this or alternative child safety investments would be most effective in promoting the well-being of vulnerable children.

INTRODUCTION

When the Congress passed the Adam Walsh Child Protection and Safety Act of 2006 (henceforth the Adam Walsh Act), it included in section 633 a requirement that the U.S. Department of Health and Human Services (HHS) establish a national registry of child maltreatment perpetrators (often also referred to as a national child abuse registry). The law also required that HHS conduct “a study on the feasibility of establishing data collection standards for a national child abuse and neglect registry with recommendations and findings concerning—

- (a) costs and benefits of such data collection standards;
- (b) data collection standards currently employed by each State, Indian tribe, or political subdivision of a State;
- (c) data collection standards that should be considered to establish a model of promising practices; and
- (d) a due process procedure for a national registry.”

While no funds have been appropriated for the development of a national registry, the Congress did designate that a portion of FY 2009 funds appropriated for child abuse discretionary activities be used for the feasibility study. This report describes the results of the feasibility study conducted by HHS in response to this directive and fulfills the mandate of the Adam Walsh Act. It follows up on an interim report to the Congress on this topic that was published in May of 2009.

Below we remind readers of the parameters of a national registry of child maltreatment perpetrators as described in the Adam Walsh Act, then briefly recap the interim report, describe the steps taken since the interim report to further assess the feasibility of such a registry, and summarize the findings of the feasibility study. These discussions are followed by conclusions in several key areas. The full research report of the feasibility study appears as Appendix 1, with text more fully explaining the methods and results, and detailed tables. Appendices A through C to the research report provide detailed methodological information on the research study. Appendix D to the research study summarizes the rulings in the many court challenges to state child abuse registry practices that have been brought in the past decade, while Appendix E describes states’ existing due process requirements for persons identified as perpetrators. This review of case law provides the background for our conclusions regarding due process needed for a national registry. For readers’ convenience, we also include as appendices to this report the relevant text from the Adam Walsh Act describing a national

registry of child maltreatment perpetrators (Appendix 2) and the May 2009 *Interim Report to the Congress on the Feasibility of a National Child Abuse Registry* (Appendix 3).

STATUTORY PARAMETERS OF A NATIONAL REGISTRY OF CHILD MALTREATMENT PERPETRATORS

As described in the Adam Walsh Act, a national child abuse registry would be an electronic database identifying perpetrators of substantiated child maltreatment investigations. It would not be a true registry in that those identified would not personally “register” and data on them (e.g. address or other personal information) would not be updated on an ongoing basis. It would contain only historical records of past substantiated child maltreatment investigations. A national registry would contain data submitted voluntarily by state or tribal government agencies, or at state option by local government agencies, and would include “case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect.” The database would not be accessible to the public and is thus very different from the public sex offenders registry operated by the U.S. Department of Justice. Instead, as described in the statute, the child abuse registry would be accessible only to governmental agencies (federal, state, local or tribal), or agents of such entities, that need the information in order to protect children from abuse or neglect. This would certainly include inquiries for investigative purposes, such as if a state agency investigating potential maltreatment wishes to determine if the alleged perpetrator has a prior history of maltreatment substantiated in another state. Employment-related inquiries (for example as part of a background check on someone who would work with children) are not mentioned explicitly in the statute. However, HHS’s reading of the law is that such inquiries would be allowed if they were submitted to the registry by (or through) a state or local child protection agency.

Participating in a national registry of child maltreatment perpetrators would be voluntary for states. The law provides no incentives for a state that maintains a child abuse registry or other electronic repository of data on child maltreatment perpetrators to submit data to a national registry and there are no consequences for not doing so. In addition, the law explicitly prohibits HHS from requiring states, local governments or Indian tribes to modify their existing registries or child maltreatment records in order to comply with any national registry established under the Act.

Since the 2009 interim report, there has been no action by the relevant congressional committees to resolve the statutory barriers identified in the interim report or to clarify congressional intent regarding the major issues left ambiguous in the Adam Walsh Act.

The pertinent section of the 2006 Adam Walsh Child Protection and Safety Act may be found attached to this report as Appendix 2.

RECAP OF THE INTERIM REPORT

The Interim Report on the Feasibility of a National Child Abuse Registry, published in 2009, described an initial feasibility assessment that was conducted internally by HHS staff. The interim report was developed based on analysis of the statutory language in the Adam Walsh Act, a literature review, and discussions with experts who have considered issues related to state child abuse registries as well as related federal efforts such as sex offender registries and information systems used to produce criminal background checks. The interim report identified many of the key challenges that would exist in combining existing state databases into a national registry and included four conclusions:

- Potential benefits of a national child abuse registry are largely unknown.
- A lack of incentives for participation could result in a database that includes little information and fails to fulfill its intent.
- Before implementation could begin, legislative change would be needed to permit the collection of sufficient information to accurately identify perpetrators.
- Clarification is required on several key issues that are ambiguous in the authorizing statute; these must be resolved either within HHS or by Congress before implementation could proceed.

The interim report also discussed due process issues with respect to a national registry, noting that “there can be no federal substitute for procedural protections at the state or local level.”

The interim report determined that there are very substantial challenges involved in establishing a national child abuse registry and that while it would be possible to overcome the statutory limitations and other challenges, doing so would involve substantial costs and could be burdensome to the state and local child protective services systems a national child abuse registry is intended to help. In addition, it was not clear whether or by how much child safety would be improved through a national database of child maltreatment perpetrators.

The full interim report may be found attached to this report as Appendix 3.

FEASIBILITY STUDY ACTIVITIES

The feasibility study was undertaken to gather data with which to better respond to the requirements of the Adam Walsh Act. We surveyed key informants in the states to gain a better understanding of the content and operations of state registries and other repositories of information on child maltreatment perpetrators, current practices with respect to interstate inquiries regarding alleged child maltreatment perpetrators, and to solicit states' input as to their interest in participating in a voluntary national registry and the benefits and barriers they see related to their participation. Through a prevalence study we sought information to better quantify the potential benefits of a national registry of child maltreatment perpetrators, in particular by estimating the number of perpetrators nationally who have been substantiated as perpetrators of child abuse or neglect in multiple states. It is primarily in detecting such perpetrators that a national registry would have advantages beyond those of existing single state registries. Finally, a review of relevant court cases examined the legal issues that would need to be addressed in designing a national registry.

The survey of key informants was composed of three separate questionnaires. The respondent to each survey was the person designated by the state child welfare director as the most knowledgeable informant on the topic. The first questionnaire, on legal and policy issues, focused on the existing legal and/or written policy requirements regarding maintaining and sharing information on child maltreatment perpetrators and the due process protections for such persons available in the states. A second questionnaire focused on practices in sharing perpetrator information with, and requesting information on perpetrators from, other states. The third questionnaire focused on technical issues related to the structure, content, and accuracy of existing repositories of data on child maltreatment perpetrators. In addition, in all three questionnaires, respondents were asked about perceived benefits of and barriers to participating in a national registry. The attached report on the research findings of the feasibility study (Appendix 1) describes these surveys in more detail and includes an appendix with the questionnaires used to survey the states. The questionnaires were web-based and self-administered using Survey Monkey™. The federal Office of Management and Budget (OMB) approved the data collection in accordance with the Paperwork Reduction Act.

The prevalence study was based on data from the National Child Abuse and Neglect Data System (NCANDS), through which annual, child-level administrative data are collected by HHS's Administration for Children and Families on children who have been the subject of a child maltreatment investigation. NCANDS data on substantiated maltreatment investigations, which includes only encrypted identifiers, was combined with information on the perpetrator's name and date of birth supplied by participating states. The goal of the prevalence study was

to estimate how many perpetrators were the subject of substantiated child maltreatment investigations in more than one state. Last names were encoded to protect confidentiality and to facilitate the matching process. These matches were used to develop national estimates of interstate perpetrators, and to examine a limited set of their characteristics that are relevant for the feasibility study. National estimates were produced using a model that combines these matching results for the states that participated in the study with the U.S. Census Bureau's interstate migration estimates. The matching process was also used to shed light on the type of information that would be needed in a national registry to support accurate matching. Again, the research report of the feasibility study provides further details on the methods and findings of the prevalence study.

All states plus the District of Columbia and Puerto Rico were recruited to participate in both components of the study over a 3-month period in the spring and early summer of 2011. A total of 38 states representing 84% of the U.S. population participated in one or more of the survey questionnaires. Most responded to all three questionnaires, and 36 states (though not always the same states) participated in each individual survey. For selected questions in the Legal/Policy Questionnaire, data for nonparticipating states were added based on a review of current state laws. As a result, some results from the Legal/Policy Questionnaire are based on 36 states, while others are based on information from all 52 jurisdictions surveyed. Because of the more significant response burden and, in some cases, data limitations, fewer states (22, representing 55 percent of the total U.S. population) supplied the data needed for the prevalence study. Statistical techniques were used to make national estimates based on the data from the 22 participating states.

A final component of the feasibility study was a review of relevant court cases in which aspects of states' child abuse registries have been challenged. The review included all federal cases as well as state cases decided within the past 10 years. These 31 court challenges from 17 states and the federal courts address aspects of the due process protections available for individuals identified as perpetrators in states' child abuse registries. This review informs our consideration of a due process procedure for a national registry, as required by the Adam Walsh Act.

The feasibility study was conducted under contract to HHS by Walter R. McDonald & Associates, Inc. (WRMA), a consulting firm with extensive experience with states' child maltreatment data. WRMA prepared the detailed research report that appears as Appendix 1. The American Bar Association's Center for Children and the Law, acting as a subcontractor to WRMA, provided legal expertise and developed the review of court cases and due process requirements.

FEASIBILITY STUDY FINDINGS

Is a national registry of child maltreatment perpetrators technically feasible?

Our research has determined that it would be technically possible to establish a national registry of child maltreatment perpetrators. However, doing so would not be an inexpensive undertaking and only limited information would be provided through such a registry. In addition, there are real and substantial risks that significant sums could be spent without producing a useful registry. A decision to move forward on a national registry should consider whether the likelihood of successful implementation outweighs the risks that many states would choose not to submit data and thus render a registry useless, and whether a national registry or other competing child protection priorities represent the better investment of limited federal funding for child protection activities.

Can a national registry of child maltreatment perpetrators be established under the current authorizing legislation?

As currently authorized in the Adam Walsh Act and as noted in our interim report, the registry could not include sufficient identifying information to accurately identify perpetrators. Under current law, the registry could contain only the perpetrator's name and the nature of the maltreatment substantiated. Our research has determined that such limited information would result in an extremely high rate of inaccurate (i.e. false positive) matches, rendering any results of inquiries to a national registry worthless.

In our research we tested how frequently persons identified as child abuse perpetrators in 2009 had matching records in another state's perpetrator records for the five-year period of 2005-2009. These hypothetical queries resulted in a match 89 percent of the time when only name (last name and first initial) was used to identify the individual. However, if the perpetrator's sex and birth date were also included as matching criteria (not permitted under current law), the match rate dropped to 1.5 percent (or an estimated 7,852 individuals nationally). We believe the 1.5 percent figure is the best possible estimate of the number of perpetrators who appear in multiple states' registries. It is essential that the perpetrator's date of birth (and preferably sex as well) be included in a national registry in order to be reasonably confident that the same individual is involved in both cases. Even then, there would undoubtedly be some false positive matches, though our research could not determine how many.

Because most persons listed in state child abuse registries are parents of the victim(s), in our research we considered whether including victims' dates of birth as additional identifying

criteria would produce better matches. However, we found that requiring those matches include date of birth for at least one child on the record further reduced the number of matches by nearly 75 percent. Because fewer than half the states include in their perpetrator databases the birth dates of all children in the household, we concluded that including such a match criterion had more potential to produce false negative results than it did to improve true positive matches.

Even if matches are made based on name, sex, and birth date of the perpetrator, there will be cases in which the individual about whom the inquiry is made asserts they are not the same person as is identified in the registry. Resolution of such cases would necessitate contacting the originating jurisdiction to try and sort out what additional identifying information in the case file (e.g. names and ages of perpetrators' children) might determine whether the match is a true positive or a false positive. While possibly manageable in the case of investigative inquiries, if the registry is used also for employment inquiries the issue of false positives becomes more time consuming to resolve on a case-by-case basis. In states that permit their registries to be used for employment inquiries, those inquiries vastly outnumber investigative inquiries (typically by a ratio of four or five to one). In addition, we expect state child protective services agencies to be less willing to spend staff time resolving such disputed matches when the inquiry does not pertain to a pending investigation.

How many perpetrators would be included in a national registry of child maltreatment perpetrators initially, and over time?

The number of perpetrators included in a registry would depend on how many states participate and what threshold is used to determine which individuals identified in state registries would be listed on a national registry. If a national registry included all persons identified as perpetrators in substantiated or indicated child maltreatment investigations within the past five or more years, it would initially include at least several million individuals, with an additional 500,000 perpetrators identified each year by states. To the extent restrictions were placed on who would be listed in a registry and for how long, numbers would be reduced. For instance, if a federal registry were to require that perpetrators be listed on a registry only if the standard of proof used to substantiate the case was at least as strong as "preponderance of the evidence," (that is, the investigation determined it is more likely than not that the maltreatment occurred) numbers would be significantly smaller, since many states use lower standards of proof for substantiating child maltreatment investigations. Figures would be smaller still if the registry included only persons for whom a civil or criminal judicial determination (rather than the child protective service agency's administrative determination) resulted in the perpetrator designation. Other possible limitations could exclude from the registry juvenile perpetrators (in the same way juveniles are excluded from most criminal

justice databases) or those whose perpetrator designation is under appeal. Any of these limitations would affect a registry's size.

Another factor that may affect the number of individuals identified as perpetrators is the implementation of differential response systems in child protective services agencies. Differential response is an approach to child protection activities in which only the most serious child maltreatment cases are investigated and lead to a perpetrator designation. Less serious cases, often the vast majority of all cases, are instead routed to an alternative response that typically involves a family assessment and the provision of supportive services. When differential response systems are implemented, the number of individuals labeled as perpetrators typically drops dramatically. As of 2010, 13 states had implemented differential response systems state wide and additional states had implemented pilot sites to test the approach.¹ To the extent these systems are extended, a national registry of child maltreatment perpetrators would include fewer names and could be expected to identify fewer interstate perpetrators. On the other hand, those named as perpetrators in jurisdictions operating alternative response systems could be expected to present the most serious threats to children. Identifying such individuals may have greater safety benefits than identifying a wider range of individuals who have come into contact with child protection agencies. Such serious cases are also more likely to involve criminal charges, however, and may therefore be cases more likely to be revealed using existing processes for conducting criminal background checks.

How many interstate perpetrators would be identified through a national registry of child maltreatment perpetrators, and over what volume of inquiries?

We estimate that an operational registry being used routinely by most states for the purposes of investigating child maltreatment reports would need to respond to upwards of one million inquiries per year and would identify a matching record in another state in about 1.5 percent of cases. For comparative purposes, previous research with NCANDS data has shown within-state recurrence rates of 16.7 percent within a similar five year time frame.²

We estimate that of the 512,790 unique perpetrators identified by states in 2009, approximately 7,850 nationally had a substantiated maltreatment report within the previous five years in another state. Most of these interstate perpetrators had a single additional substantiation for child neglect (rather than for physical or sexual abuse) in a single additional

¹ Differential Response Map published by the National Quality Improvement Center on Differential Response. Available at: www.differentialresponseqic.org/assets/docs/qicdr-map.pdf.

² Fluke, J.D., Shusterman, G.R., et al. (2005). Rereporting and Recurrence of Child Maltreatment: Findings from NCANDS. Washington, DC: U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation.

state. Using records from the 22 States that participated in our study we found that very few perpetrators had more than two matches (345 individuals) or matched records in more than one other state (44 individuals). Results for an operational registry would depend on how many states choose to participate and under what circumstances they choose to make inquiries (e.g. in all cases or in cases where there is some doubt as to what state(s) the perpetrator has lived in). It cannot be known in how many of the matched cases the additional information about the alleged perpetrator's history would make a difference to the current investigation or to the agency's approach to protecting the child.

If a national registry were used for employment inquiries as well as for the purposes of investigating abuse and neglect (as is permitted in some states and which would be permissible under the current statutory language of the Adam Walsh Act) it would need to respond to many more inquiries than the one million estimated – probably somewhere in the range of 4 to 5 million per year. Specifics would depend on the detailed parameters established for who could access the information in the registry and for what purposes. Currently only about one-third of states responding to our key informants survey provide information on child maltreatment perpetrators in response to out-of-state inquiries for employment background checks. Actual numbers vary depending on the type of employer, with the most states (16) willing to respond to employers of child care personnel.

Do perpetrators identified in more than one state have different or more severe patterns of child maltreatment than other perpetrators?

Our research found that perpetrators who had child maltreatment records in multiple states had similar patterns of maltreatment types compared to other perpetrators. That is, approximately two-thirds of interstate perpetrators (65 percent, or about 5,100 of the 7,850 interstate perpetrators in 2009) had been substantiated for neglect in the prior incident, nearly 19 percent (or about 1,450 individuals) had physically abused the child, and 7 percent (or approximately 550 individuals) had committed sexual abuse. Fewer had been found to have committed medical neglect or emotional abuse. This pattern of maltreatment types was virtually identical to that of all perpetrators nationally in 2009.

We looked at how many interstate perpetrators were associated with child fatalities and found that interstate perpetrators appeared less likely than those identified in a single state's data to be associated with a child fatality (1.98 per 1000 interstate perpetrators were associated with a child fatality as compared to 3.53 per 1000 within-state perpetrators). In the 22 states participating in the prevalence study, there were 4 interstate perpetrators and 921 within-state perpetrators associated with child fatalities.

In addition to looking at maltreatment types and fatalities, we examined whether interstate perpetrators were more or less likely to have had a child placed in foster care or for there to have been a court petition associated with their victims (that is, the maltreatment was the subject of a court action). These were examined because they are the only other variables available in NCANDS related to severity. We found both phenomena to be more likely for interstate perpetrators than those listed in a single state's data. That is, interstate perpetrators were somewhat more likely to have had a child placed in foster care (30 percent versus 20 percent for within-state perpetrators). With respect to court petitions, 28 percent of interstate perpetrators were associated with a court petition regarding the maltreatment as compared to 19 percent of within-state perpetrators. In both cases, however, only about one-third of perpetrators were associated with either a court petition or a foster care placement. It should also be noted that, by definition, interstate perpetrators had at least two substantiated maltreatment reports while within-state perpetrators may have only a single report. Therefore it is to be expected that such cases would be more likely to involve court petitions and/or foster care placements.

Are there regional patterns to interstate matches?

Because some movement between states reflects mobility within metropolitan areas, we looked to see whether interstate matches fell into regional patterns that might suggest the need for better data sharing among neighboring states. However, we detected no regional patterns to the interstate matches.

Would a national registry of child maltreatment perpetrators be helpful in identifying predatory individuals who commit abuse or neglect against unrelated children (e.g., sexual predators)?

A registry of child maltreatment perpetrators would be useful primarily in identifying past maltreatment by parents. It would not generally be useful in identifying those who abuse or neglect unrelated children. While nearly all state registries include parents and legal guardians, fewer (60 to 70 percent) include foster parents, relatives, staff of residential facilities and group homes, and child care providers. Unmarried partners of parents are included in 59 percent of states' registries. Few states include in their registries teachers or educational staff, other professionals, or friends/neighbors who have been found to have abused children with whom they have come into contact. This is because investigations of such other persons are generally conducted through the criminal justice system rather than by child protective services agencies. Existing criminal background check processes would detect such other persons who had been convicted of crimes against children.

What would be the primary benefit(s) of a national registry of child maltreatment perpetrators?

State child welfare officials responding to our survey suggested that the most significant benefit of a functional registry of child maltreatment perpetrators would be to save time on the part of child protective services workers who request maltreatment history information from other states. By providing a single source of that information a registry could potentially provide additional and more timely knowledge of an alleged perpetrator's history that can be used to inform safety assessments and increase children's safety. We caution, however, that these benefits could only be realized if most states participate in a registry so that individual state-to-state inquiries become unnecessary. In addition, we caution that if a national registry includes employment inquiries, the additional workload to states to rule out false positive matches on such inquiries could negate any potential efficiency gain related to investigations.

In our feasibility study, states identified for us the benefits and challenges they identified with respect to participating in a national registry. The most frequent benefits mentioned by the 36 participating states include saving time (mentioned by 25 states), providing more timely knowledge that would be useful in assessing child safety (22 states), improving cross-state accessibility of information (19 states) and simplifying access to information by providing a single source of information on maltreatment histories (19 states). No other benefit was mentioned by more than a handful of states. A fuller discussion of these benefits and challenges may be found in the full description of study results (Appendix 1) as well as in tables 21 and 22 of the supporting tables.

Likely because of agencies' different perspectives, the child welfare officials we surveyed did not report to us potential benefits of a registry to law enforcement. But law enforcement agencies would likely also find benefit in a more complete understanding of the child maltreatment patterns of an individual under investigation or facing prosecution. Such information could also be useful in the sentencing process to provide the court with a more complete picture of an individual's conduct relevant to sentencing.

To what extent would a national registry of child maltreatment perpetrators improve child safety?

Our research suggests that the added safety benefit of a national registry of child maltreatment perpetrators would be quite limited. That is, a national registry would detect relatively few perpetrators who are not already detected by existing systems for in-state child abuse registry checks and national criminal background checks. While such a registry would, in a small number of cases, reveal unknown maltreatment substantiations in another state, these cases are relatively few and only a tiny number of cases involved multiple matches or matches in multiple states that would indicate a potential long-term pattern of maltreatment and evasion. As we noted in our interim report, the added safety benefit of a national registry of child maltreatment perpetrators would be limited to cases in which there was serious past maltreatment that was not the subject of a criminal conviction.

Beyond the issue of having sufficient identifying information on each perpetrator, what would it take to make a national registry useful?

States report to us that a national registry would be of value only if it included comprehensive, timely and accurate data, and that responses to inquiries were provided promptly. A great many things would be needed to realize that vision.

In particular, states report that in order to be of use, most states would need to participate early on and responses to registry inquiries would need to be prompt. Convincing a critical mass of states to participate quickly may require incentives to states for participation, such as providing funds to offset states' costs of getting started. That fewer than half of states provided the limited data needed for the prevalence study does not provide confidence that most states would voluntarily participate in a national registry if implementation proceeds. It must also be recognized that many states report definite or potential legal barriers to participation. Among the 36 states responding to our survey, 10 states reported that current laws or policies definitely prohibit their participation in a national registry and another 16 states reported possible statutory or policy barriers. A national registry could not operate effectively until state laws and policies that prevent the sharing of registry information with the Federal Government are amended.

A second challenge is that a national registry would need to establish a reliable way to restrict registry access to authorized users. Because the database would contain extremely sensitive personal data, it would be important to prevent unauthorized disclosures. Yet, as described in the interim report, verifying that inquiries are from legitimate sources could be a significant

task. Our survey of key informants revealed extremely weak security in how states currently process inquiries to their existing child abuse registries. Several states have no procedures in place to verify the identity of persons making inquiries to their state registries and most require only that inquiries be made in writing on agency letterhead, which in the computer era may be easily simulated. Only a few have more stringent verification procedures, and these may be time consuming as well as unreliable. For instance, one state reports checking whether someone with the requestor's name is listed in the telephone listing of their reported employer and may call a third party at the employer's agency to verify the request. The procedures currently in place in states would not suffice for a federal database of this sensitivity, and establishing reliable verification procedures could be a time intensive and expensive task. The Interim Report discussed the more secure (and more expensive) ways in which this issue is typically handled by the Justice Department for criminal background checks. These include requirements upon local agencies for secure networks and computers dedicated only to accessing federal databases and maintained in locked rooms accessible only to authorized personnel, as well as auditable records documenting the reasons behind each inquiry submitted to the database. Such procedures would add significantly to the costs of implementation.

A third major challenge is establishing a due process procedure that would stand up to legal scrutiny without making the participation of many states infeasible. As described in Appendix D to the research report, courts with jurisdiction over a number of states have required procedural standards that are more stringent than those employed in many other states on issues including standards of proof used to substantiate the maltreatment, appeals procedures, and notification requirements. If federal requirements are set as high as some courts have required, states with less stringent standards would be excluded unless they invest significant effort in strengthening their procedures. On the other hand, setting lower requirements than what some federal and state courts have required would leave a federal registry vulnerable to legal challenge and might prevent the participation of states operating under case law that requires higher standards. It is not clear that there is an alternative that could satisfy both pressures. The most significant issue here is that 20 states currently substantiate child protection investigations using standards of proof less strong than preponderance of the evidence (which requires that the evidence shows it is more likely than not that the maltreatment occurred and that the identified perpetrator was responsible). While rulings are mixed on the topic, courts in multiple states, including the Second Federal Circuit and the Supreme Courts of Missouri and New Hampshire, have ruled that such weak standards of proof are not sufficient for the purposes of including an individual in a registry of maltreatment perpetrators, particularly if such a registry is used for employment background checks. Appendix E to the research report includes a table describing existing due process requirements associated with states' databases of information on child maltreatment perpetrators.

States participating in our survey of key informants identified important barriers to their potential participation in a national registry. The most frequent barriers mentioned were differences in definitions, findings, due process and rules for expunging old or overturned cases between (and even within) states (this barrier was mentioned by 22 states), that participating would require costly changes to their information technology systems (15 states), and that participating would require staff resources that are scarce (13 states). A number of states also mentioned that they believed a national registry of maltreatment perpetrators would be able to provide too little information to be useful and that follow-up phone calls would be needed to interpret what little information could be provided through a registry. The full research report describes in more detail what states told us about barriers to participation.

How much information could be contained in a national registry of child maltreatment perpetrators and provided to inquiring states?

Our survey of state officials revealed that only 9 pieces of data are common to at least two-thirds of states' child abuse registries. Six of these are descriptors of the perpetrator: name, date of birth, sex, race/ethnicity, alternative names, and last known address. Fewer States have perpetrators' Social Security numbers and none collect fingerprints. Of the identifying information on perpetrators available in states' databases, current federal law would allow a registry to include only the perpetrator's name.

The other three data elements common to at least two-thirds of states have to do with the prior maltreatment incident: the type of maltreatment substantiated, the date(s) of the previous disposition(s), and the relationship of the perpetrator to the child victim(s). These data elements would be relevant to describe the nature of the maltreatment incident, as permitted in the Adam Walsh Act. However, our survey revealed that only 13 states currently report any child victim information when responding to out-of-state inquiries. Details of the previous maltreatment incident (e.g. narrative descriptions or detailed coding of maltreatment type or severity) are contained in states' databases in a wide variety of ways and it would be difficult to standardize these in a way that would allow consistent reporting in a federal registry. Doing so may require significant changes to most states' existing registries.

The bottom line is that an inquiring state would get back an automated response saying "A person with the same name and birth date as [the subject] was substantiated for X type of maltreatment in Y state on Z date." A registry could potentially also supply the relationship between the perpetrator and the victim in the previous substantiation, though fewer States could or would supply that information. For anything beyond that, the investigator would need to contact the state in which the matching record was found to inquire whether further details

were available. In an employment inquiry, if the individual claims that they are not the person listed in the database, the federal database would have no way of distinguishing between that person and anyone else with the same name and birth date. This could be a considerable problem for persons with common names who seek employment working with children and could also be a burden for states if they frequently need to go back to the source of the substantiated report to try and verify whether the reported match is a true positive or a false positive. In analogous criminal background checks, fingerprint identification significantly reduces the potential for false positive results. However, we identified no states that currently include fingerprints in their maltreatment perpetrators registries. Adding such information for these purposes would be time consuming and costly and could only be done prospectively. If fingerprint data were a requirement for submitting data to a national registry it is likely that few states would participate initially.

What would be the Privacy Act implications of the maintenance of a national registry of child maltreatment perpetrators?

The Privacy Act imposes certain obligations on federal agencies that maintain “systems of records” – that is, records retrieved by an individual identifier. The Privacy Act is based on a Code of Fair Information Principles and bestows rights on individuals whose data is collected and stored. A national registry of child maltreatment perpetrators would qualify as a system of records and be covered by the Privacy Act.

The Privacy Act permits individuals to request access to records about themselves, and to make requests for amendment in the case that records are not accurate, relevant, timely, or complete. Individuals also have rights of appeal, and the opportunity to contest the content of the record by adding a statement into the record. The Privacy Act also requires that before an agency disseminates a record, it must make reasonable efforts to ensure that the records are accurate, timely, relevant, and complete. This requirement may be difficult to implement in the case of a national registry of child maltreatment perpetrators, since the origin of the records is not with the federal agency but with individual states.

Under the Privacy Act, agencies must limit the information they collect to that which is relevant and necessary to their mission. Depending on what states send to the Federal Government, this could entail reviewing and editing each record to ensure it meets certain standards, or, alternatively, working with the states to ensure that they only send the data approved for inclusion in the Registry.

The agency administering the registry would also be required by the Privacy Act to establish appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of the records and to protect against anticipated threats. *A Federal Register*

notice would need to be published by the administering agency describing the types of individuals covered, the types of records in the system, the disclosures that could be made of the records, the security provisions made for the data, whether the records were subject to any exemptions, and the retention period of the records in accordance with a records schedule approved by the National Archives and Records Administration. That *Federal Register* notice would include a notice of “routine uses”—disclosures outside of the agency (e.g. to states, employers, law enforcement, the courts) that can be anticipated as part of the running of the program. In order to ensure that entities receiving information under a routine use were appropriate recipients, a regime would have to be devised to ensure that users of the system were making inquiries for a specific allowable purpose. This might include registration, or certification at the time of inquiry, or a similar regime. Civil and criminal liabilities apply to agency failures to comply with the Privacy Act. The administering agency would also be subject to private rights of action as individuals whose information would be stored in the Registry would have the right to sue the agency for violation of any of the requirements of the Privacy Act.

If the data were used to make determinations about an individual’s eligibility for federally funded benefits or loans, the Registry would be subject to the Computer Matching Act and Privacy Protection Act of 1988, requiring individual agreements to be negotiated with each state a minimum of every 18 months regarding the exchange of data, and requiring an agency to use independent verification before denying or suspending individual benefits or denying or suspending a loan.

What other appropriate privacy policies should be implemented in a national registry of child maltreatment perpetrators to ensure integrity and fairness?

Particularly where records can be used to take away an individual’s rights, benefits, or privileges, or where the information could do significant harm to an individual’s reputation and consequently affect his or her ability to obtain employment or housing, it is important to manage records appropriately and implement due process protections to ensure decisions are made on accurate, relevant, timely, and complete data. These practices should be applied across the life cycle of the information, including practices regarding collection, maintenance, use, disclosure, and disposition of records. To that end, legislation requiring the maintenance of databases about individuals almost always includes specific requirements to ensure that the

use of the data protects and does not erode privacy rights. In a system such as a registry of child maltreatment perpetrators, those principles would suggest that a number of protections be applied to the use of the data and would likely include:

- Data populated by a state should be updated on a periodic, regular basis.
- The uses of the data should be limited to those uses having a nexus to the purpose of the system. For example, if the data is available for employment inquiries, it should be used for such inquiries only with respect to positions working with children (such as child care workers and teachers).
- To reduce or eliminate misuse of the information, data use agreements should include a provision that prohibits authorized users from further disclosing the data they access.
- The disclosure of data should be the minimum necessary to carry out the function. Particularly with respect to employment inquiries, if they are permitted, the data disclosed would include only whether or not the individual appears in the database, and, if they appear, which state submitted the record.
- Adverse actions should not be taken solely based on information in the database, but should be independently verified.
- If an adverse action is taken, an individual should have prompt notice of the action and his or her rights, if any, to challenge the action. A person who is denied some kind of right, benefit, or privilege (such as employment) based on information in the database, should be given a notice of the state of origin of the data and the due process rights that apply.

How much would it cost to establish and maintain a national registry of child maltreatment perpetrators?

We estimate that developing, implementing and maintaining a national registry of child maltreatment perpetrators would involve the following costs. These are preliminary, ballpark estimates. Actual costs would depend on a variety of factors that are not laid out clearly in the authorizing legislation.

Table 1. Costs of Developing, Implementing and Maintaining A National Registry of Child Maltreatment Perpetrators

DESCRIPTION	ESTIMATED COST
Federal costs of developing and implementing the database of child maltreatment perpetrators	\$4 million over 2 to 3 years
Grants to states to defray initial implementation costs (e.g. preparing data, ensuring security of information exchanged)	\$10 to 20 million over 2 to 3 years
Annual costs of maintaining the database, including responding to states' database queries	\$4 to 6 million
Annual cost to states of resolving potential false positive matches and responding to requests for more detailed information	Unknown
Costs to states that need to change the level of proof required for substantiation decisions or otherwise alter their due process procedures conform to standards for a national registry	Unknown

Decisions regarding implementation of a national registry of child maltreatment perpetrators should consider both the costs and the potential benefits in deciding whether to move forward. A consideration of benefits should also recognize that in some cases the matches produced by a registry would not be “new” identifications, but rather perpetrators who would already have been identified through existing criminal background checks.

Which federal agency is best suited to operate a national registry of child maltreatment perpetrators?

If the Congress decides to move forward with a national registry of child maltreatment perpetrators, consideration should be given to where, institutionally, a registry could be best administered and housed. We believe the Congress authorized a registry to be developed by HHS because of our knowledge of child abuse and neglect issues, our relationships with state child abuse and neglect agencies, and the potential relationship between the National Child Abuse and Neglect Data System (NCANDS) and a potential registry. To the extent a registry is intended primarily to aid in child protective services investigations, there is a reasonable congruence with HHS’s activities related to child protection. However, if the principal work of the registry is to be responding to employment background checks, the infrastructure available elsewhere within the Federal Government for conducting other employment background

checks may be better suited to the task than is HHS's substantive expertise on child maltreatment.

CONCLUSIONS

It is appealing to think that, with better information about child maltreatment perpetrators, future maltreatment can be prevented and children can be protected from harm. It is this hope that led Congress to include in the 2006 Adam Walsh Child Protection and Safety Act a provision directing HHS to establish a national registry of child maltreatment perpetrators and to study the feasibility of such a registry. However, the Congress should carefully consider whether the information available through a national registry would successfully produce the hoped-for safety benefits. We caution that even with the best implementation efforts, there is considerable risk that many states would not participate, substantially decreasing the potential utility of such a national database.

Though the Congress has not, to date, appropriated funds for the development or implementation of such a registry, HHS has completed this feasibility study examining the issues related to creating and maintaining an electronic database made up of information on child maltreatment perpetrators from states' substantiated child maltreatment investigations. This report fulfills directives in the reports accompanying HHS appropriations for Fiscal Years 2008 and 2009 to use funds appropriated for other child abuse prevention activities to conduct this feasibility study. Our feasibility study involved efforts to understand the state databases that could be combined to create a national registry of child maltreatment perpetrators and to estimate the number of persons included in multiple states' databases in order to better understand what added information a national registry could bring to child abuse prevention efforts and thus begin to assess the extent to which such information might be used to prevent harm to children.

This report to the Congress and the associated research study on the feasibility of a national registry of child maltreatment perpetrators has explored a variety of issues regarding what it would take to produce a functional registry. As a result of this research and discussions with a variety of interested parties, we have determined that a functional registry cannot be implemented under the current statutory language in the Adam Walsh Act. Even if the principal statutory problem were addressed, however, barriers to states' participation could result in a database with large gaps in coverage. In addition, a national registry could provide relatively limited information that is not already gleaned from existing single state registries and criminal history checks. Thus the safety benefits to be gained from a national registry of child maltreatment perpetrators would seem to be limited.

As required in the Adam Walsh Act, in this report to the Congress we have discussed the costs and benefits of a national registry, the data elements contained in states' registries, and the data on perpetrators that could be incorporated into a national registry. Note that the statute requires us also to assess registries maintained by Indian tribes. Despite inquiry, we have not identified any Indian tribes that maintain child abuse registries, though we determined that registries in 14 states incorporate data submitted by either some or all the Indian tribes located in the state. Several Indian tribes that initially self-identified as having child abuse registries were subsequently found to have public sex offender registries instead and did not, in fact, maintain a registry of child maltreatment perpetrators (the two are often confused).

Below we draw conclusions regarding the establishment of a national registry of child maltreatment perpetrators, including our thoughts regarding the due process issues the Adam Walsh Act required us to address.

- **Current statutory limits to the information that could be contained in a national registry would prevent the accurate identification of child maltreatment perpetrators.**

The Adam Walsh Act limits the identifying information about perpetrators that could be included in a registry to their name. Because many names are common, this limitation would cause a registry to produce very high rates of inaccurate, false positive matches. That is, the vast majority of all matches produced by a registry would falsely identify an individual as a child abuser because there is someone else in the database with the same or a similar name. More accurate matches would require additional identifying information regarding perpetrators. For instance, including perpetrators' sex and date of birth would significantly decrease the rate of false positive matches. In addition, most states, though not all, also have information on the Social Security numbers of perpetrators, the inclusion of which could further improve the accuracy of a national registry. However, even with this additional information, an indeterminate number of false positive identifications will still occur.

- **Under current law, the predominant use of a national registry would be for employment background checks not explicitly mentioned in the statute.**

Congressional debate about a national registry of child maltreatment perpetrators centered on the use of such a registry during child maltreatment investigations. While employment background checks are never mentioned in the law, as currently authorized we expect such

inquiries to be the predominant use of a national registry. In states that use their existing registries for employment background checks, those inquiries far outnumber requests for information to be used in child abuse investigations. Resolving questions about the accuracy of match results produced by employment inquires could divert state staff resources and attention from the investigatory functions that a registry was promoted as improving.

- **If a national registry would be used for employment background checks, due process requirements for a national registry will need to be stronger than those in place in a number of states.**

Given the wide variations in state practice regarding existing due process protections for individuals entered into state child maltreatment registries, there are serious, legitimate concerns about using a national registry of child maltreatment perpetrators for conducting employment background checks. The Adam Walsh Act requires that this report discuss the due process requirements that would be necessary for a national registry. As is described more fully in the research volume that accompanies this report, there is considerable case law, in some respects conflicting, regarding the Constitutionally-required due process protections that are necessary for state child abuse registries that are used for employment background checks and that would therefore be required of a national registry intended to perform such a function. In addition, this is currently an area of active subject of litigation and legislation. Since our 2009 interim report, at least 7 states have seen legislative or court consideration of due process issues regarding their state child abuse registries.

Federal requirements would need to be designed if a registry were actually implemented, taking into account the pertinent case law at the time of implementation. But as we suggested in our Interim Report to the Congress, we believe the only practical way to handle due process issues for a federal registry would be to establish minimum standards that a state would need to certify as having been met in the particular case before a name is added to the national registry. It would be extremely impractical for the Federal Government to put in place additional protections that had not been provided at the state level at the time of the state's original determination of an individual's status as a child maltreatment perpetrator.

Our current thinking is that minimum standards for due process in a national registry that is to be used for employment-related inquiries would include: (1) that the substantiation decision used a legal standard at least as strong as preponderance of the evidence (that is, that it is more likely than not that the maltreatment occurred and that the individual designated as the perpetrator was responsible); (2) that the perpetrator had the opportunity to challenge his or her designation as a perpetrator and that any challenge was resolved in a timely fashion; and (3) that the perpetrator was notified of his or her inclusion on the state's registry of

maltreatment perpetrators and informed about the implications of their inclusion. While each of these protections is current practice in more than half of states, some states would need to make changes in their current investigation and/or registry practices before it could place perpetrators' names in a national registry.

- **A national registry of child maltreatment perpetrators would provide limited information for child maltreatment investigations that goes beyond what is already available from existing single state registries.**

Our study found no evidence of a widespread phenomenon of child maltreatment perpetrators who offend in multiple states. Our prevalence study revealed that 1.5 percent of persons identified as child maltreatment perpetrators in 2009 (an estimated 7,852 individuals) had any substantiated maltreatment incidents in another state within the preceding five years. The vast majority of those who did have an incident in another state had a single additional substantiation in a single additional state, most often for neglect. Exceedingly few had multiple incidents that would suggest a pattern of predatory behavior. In the 22 States that participated in our study there were 345 individuals who had more than two matches and just 44 individuals who had a substantiated child maltreatment investigation in more than one other state. In addition, just one half of one percent of child maltreatment deaths in states participating in the study was attributed to a perpetrator who had a substantiated maltreatment report in another state (4 in total). In contrast, states' existing child maltreatment registries typically report repeated substantiated maltreatment incidents (within the same state and over a similar five-year time period) in roughly 17 percent of cases and there were over one thousand child deaths in study states that were attributed to perpetrators who did not have substantiated maltreatment investigations in other states.

- **A lack of participation in a voluntary registry system could prevent a registry from fulfilling its intent.**

The best designed database of information about perpetrators will not be helpful for child maltreatment investigations if states do not populate it with information on perpetrators. There are numerous issues that may inhibit states' participation in a national registry. Chief among these is states' costs to participate. This includes the technology costs of establishing secure systems with which to exchange information with a federal registry, working with the Federal Government around issues of establishing systems to verify the identities of legitimate users of the registry, and, potentially, altering their investigation and appeals procedures to conform to federal due process standards.

Encouraging state participation could take several forms. In particular, states would be much more likely to participate in a federal registry if the Federal Government provides funding to help cover implementation costs. Alternatively, funds for related federally funded programs could be conditioned on participation in a national registry. However, should states choose to forgo such other funding, an attempt to leverage participation could undermine rather than bolster states' child protection activities.

FINAL WORDS

A number of steps must be taken if a national registry of child maltreatment perpetrators is to be implemented in a way that could accurately identify perpetrators, prevent individuals with common names from being falsely identified, protect the rights of those identified as perpetrators, and secure the voluntary participation of most states. Accomplishing this, a national registry could then provide limited information in response to inquiries, most likely a statement that "A person with the same name and birth date as [the subject] was substantiated for X type of maltreatment in Y state on Z date."

A decision to move forward with implementation should consider whether a national registry of child maltreatment perpetrators would realize the child safety benefits that were anticipated in the discussion of this provision that surrounded the passage of the Adam Walsh Child Protection and Safety Act. In addition, particularly given current budget realities, an implementation decision should consider whether this or alternative child safety investments would be more effective in promoting the well-being of vulnerable children.