

STATE SECRECY AND CHILD DEATHS IN THE U.S.

An Evaluation of Public Disclosure Practices about Child Abuse or Neglect Fatalities or Near Fatalities, with State Rankings

A joint report of the Children's Advocacy Institute and First Star

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The Children's Advocacy Institute (CAI) was founded in 1989 as part of the Center for Public Interest Law at the University of San Diego (USD) School of Law. CAI's mission is to improve the health, safety, development, and well-being of children. CAI advocates in the legislature to make the law, in the courts to interpret the law, before administrative agencies to implement the law, and before the public to educate Californians on the status of children.

CAI strives to educate policymakers about the needs of children—about their needs for economic security, adequate nutrition, health care, education, quality child care, and protection from abuse, neglect, and injury. CAI's goal is to ensure that children's interests are represented effectively whenever and wherever government makes policy and budget decisions.

Robert C. Fellmeth, J.D., CAI's Executive Director, is the Price Professor of Public Interest Law at the USD School of Law and founder of both CAI and the Center for Public Interest Law. Professor Fellmeth has over 30 years of experience as a public interest law litigator, teacher, and scholar.



First Star is a national 501(c)(3) established in 1999 to strengthen the rights and improve the lives of America's abused and neglected children through education, public policy, legislative reform, and litigation. Our mission is to serve as a catalyst for meaningful reform of the child welfare system by highlighting critical systemic deficiencies and initiating change that will ultimately strengthen the rights of America's most vulnerable children.

First Star works toward a day when children's voices are heard and their basic civil rights recognized if they must pass through the child protective system.

First Star's Co-Founder and President, Peter Samuelson, is a motion picture executive who founded the Starlight Children's Foundation in 1982 and the Starbright Foundation in 1990. Sherry A. Quirk, Esq., Co-Founder and Vice Chair of First Star, a partner of Schiff Hardin, LLP, is past president and founder of One Voice and the National Coalition of Abuse Awareness. Amy Harfeld, Executive Director of First Star, has over 15 years of experience in child advocacy as a Teach For America corps member, human rights worker, litigator, defender and activist.

First Star is proud to be a pro-bono client of Schiff Hardin, LLP.

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This groundbreaking report jointly published by the Children’s Advocacy Institute (CAI) and First Star evaluates each state’s public disclosure practices about cases of child abuse or neglect that resulted in fatalities and near fatalities. Approximately 1,500 children die every year as a result of abuse or neglect in the United States. Countless more children suffer near death injuries caused by abuse or neglect. States are required to allow for public disclosure of the findings or information regarding those fatalities and near fatalities pursuant to the federal Child Abuse Prevention and Treatment Act (CAPTA). As this report reveals, however, while most states are generally in compliance with the limited letter of the federal statute, few state policies adequately further the legislative intent in these gravest cases. Information about these tragic incidents — information that helps drive systemic reform where warranted, and enables the public to hold child welfare systems accountable — is withheld by many jurisdictions. This is unacceptable.

CAPTA explicitly requires states to adopt “provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality.” In providing clarification as to proper state execution of this provision, the Child Welfare Policy Manual declares that a state “does not have discretion in whether to allow the public access to the child fatality or near fatality information; rather, the public has the discretion as to whether to access the

information.” A narrow reading of CAPTA—a reading favored by those public officials who might be embarrassed by public disclosure—frustrates the statute’s purposes and ignores the guidance provided by the Manual. CAI and First Star believe that in the best interests of children, states must follow a broad interpretation of CAPTA’s requirements regarding public disclosure.

The report compares the child death and near death disclosure laws and policies of all 50 U.S. states and the District of Columbia and ranks them from “A” for the best, most transparent policies to “F” for the most secretive or non-existent ones. The Report analyzes states based on the following criteria:

- Does the state have a public disclosure policy as mandated by CAPTA?
- Is the state’s policy codified in statute, or is it contained in regulation or written (or oral) policy?
- What is the ease of access to the information (does the policy use mandatory or permissive language, and is the release of information contingent on conditions precedent)?
- What is the scope of information authorized for release, and are there exceptions that decrease the type of information that will be released?
- Does the state allow public access to Dependency Court (abuse/neglect) proceedings?

Regrettably, few states fared well under this examination:

- Only two states earned an “A”
- An alarming 28 states deserved a “C+” or lower, and
- A staggering 10 states flunked.

This report aims to promote public awareness and discourse on the issue of public disclosure following child abuse and neglect deaths and near deaths, and to catalyze statewide and national legislative reform in order to better protect children and save lives. It also seeks to advocate for making information about child abuse and neglect deaths available to the public in a predictable, consistent, and enforceable manner, and ultimately to affect policy changes in the child welfare system that will better protect children, and to remove restrictions that inappropriately limit access to the information made public by CAPTA.

Many states fail to properly re-shift the balance between confidentiality and public disclosure required by CAPTA when a child dies or almost dies from maltreatment. Further, the exceptions, limitations, and conditions that many states impose on disclosure negate or significantly reduce the impact of the information provided.

The current undue emphasis on confidentiality only masks problems inherent in child protection systems. Public exposure is a necessary step toward fixing these problems. Each year, millions of

taxpayer dollars go to support child protective services investigations. Accordingly, the public has a right to know if the laws for the protection of children are being followed and its tax dollars well-spent. Child abuse deaths and near deaths reflect the system’s worst failures. Until state laws require the release of accurate and unfiltered information, we cannot identify the fault lines, and cannot begin to fix them.

When abuse or neglect lead to a child’s death or near death, the state’s interest in confidentiality is secondary to the interests of the children who would be better protected and served by maximum transparency. An open system is a better system, draws attention to failures, empowers advocates, and ultimately better protects children. Through this report, First Star and CAI aim to hold child protection systems accountable through public scrutiny and to challenge each state to adopt the best practices available.

On January 11, 2006, paramedics found 7-year-old Nixzmary Brown dead on the floor of her New York apartment, with two black eyes and most of her emaciated body covered by cuts and bruises. Nixzmary had been tied to a chair with duct tape and brutally beaten to death by her step-father as punishment for stealing a cup of yogurt. After reports that caseworkers missed multiple opportunities to intervene and save Nixzmary, Mayor Michael Bloomberg declared that the system had failed this child, and embarked on a system-wide overhaul of its Administration for Children's Services.

Approximately 1,500 children like Nixzmary die every year as a result of child abuse and neglect in the United States.¹ Countless more children suffer near death injuries caused by abuse or neglect. Yet in most cases, we know very little about these incidents because states have sub-standard policies on the public disclosure of information regarding child abuse or neglect fatalities and near fatalities.

Abuse and neglect deaths are child welfare agencies' most crucial cases. Unfortunately, it is often only through such cases that lawmakers and the public learn of systemic inadequacies in child welfare systems. If improvements and reforms are to be

Massachusetts: Crying for Reform

Haleigh Poutre was beaten into a coma when she was 11, allegedly by her foster parents. Prior to this, DSS social workers had received and dismissed at least 14 separate reports of suspected abuse.

Rebecca Riley died at the age of 4 after her parents allegedly killed her with overdoses of psychiatric drugs. Six months earlier, DSS had dismissed a therapist's concerns about overmedication.

A 7-year-old boy reported that he had been hurt with a cigarette. DSS was notified but failed to conduct a full body examination; as one law enforcement official noted, "the little boy was sent home [by DSS] to be tortured for another 13 days" until he was finally removed from his home.

These and too many other examples suggest that Massachusetts' child welfare system is dysfunctional and in critical need of comprehensive reform. But in order to thoughtfully and comprehensively determine the steps to be taken, the public must be given information on all cases of abuse or neglect that have resulted in deaths or near deaths, not just the most sensational ones that happened to be picked up by the media.

achieved, it is vital that the facts about these cases reach the public in a meaningful way. The Children's Advocacy Institute (CAI) and First Star believe that public access to the facts promotes public discourse and legislative action to protect all children.

This report compares the child death and near death disclosure laws and policies of all 50 U.S. states and the District of Columbia and ranks them from "A" for the best, most transparent policies to "F" for the most secretive or non-existent ones. The results reveal wide variation among the states, with only 2

¹ Although about 1,500 child abuse and neglect deaths are reported each year, the actual figure is probably much higher. According to the American Academy of Pediatrics, child maltreatment fatalities are drastically underreported in some jurisdictions because of inadequate investigations, lack of information-sharing between investigators and agencies, and reporting systems that fail to capture the contribution of maltreatment as a cause of death. *See, e.g.*, B. Ewigman, MD, MSPH, C. Kivlahan, MD, MSPH, and G. Land, MPH, "The Missouri Child Fatality Study: Underreporting of Maltreatment Fatalities Among Children Younger Than Five Years of Age, 1983 Through 1986," *PEDIATRICS* Vol. 91 No. 2 (February 1993) at 330-337.

states earning an “A”, an alarming 28 states deserving a “C+” or lower, and a staggering 10 states receiving an “F” grade. As the report reveals, not every state has adopted provisions allowing for such public disclosure, and for those that have, the provisions are as varied as the states themselves.

Information about these tragic incidents — information that helps drive systemic reform where warranted, and enables the public to hold child welfare systems accountable — is withheld by many jurisdictions. This is unacceptable. Other public safety and health crises, such as airplane crashes, food contamination, or police shootings, regularly receive intense public scrutiny that results in immediate reparative action. The public’s interest in the safety of children merits that same level of scrutiny on a regular basis.

Georgia: A Tragic Snapshot

A staggering 76 children died from abuse and neglect in Georgia in 2005. About 3.22 children die from abuse and neglect per 100,000 children in Georgia every year. This is the third highest rate of deaths for any state in the nation.* Georgia’s public disclosure policy earned an F in this report.

**U.S. Department of Health and Human Services, Administration on Children, Youth and Families. Child Maltreatment 2005 (Washington, DC; U.S. Government Printing Office, 2007) at Table 4-1.*

First Star and CAI reveal in this report where each state stands on disclosure and provides grades based on specific criteria that, if in effect, would

increase accountability and enhance protection of children across the nation.

ABOUT CAPTA

The federal Child Abuse Prevention and Treatment Act (CAPTA) requires that each state, as a condition of federal grant funding, outline how it will achieve the statute’s purposes. State plans must include “methods to preserve...confidentiality,” but they must also “allow for public disclosure of the findings or information about...case[s] of child abuse or neglect [that have] resulted in a child fatality or near fatality.”² These provisions reflect an understanding that the value of confidentiality is greatly diminished in cases of fatalities and near fatalities, for in such cases it is of overwhelming importance to examine the performance of the system as a whole and to learn from any mistakes or failings.

As of 2006, all 50 states and the District of Columbia were accepting CAPTA funds.³ It should follow that all states allow for public disclosure of information about cases of fatal and near-fatal child abuse and neglect. As this report reveals, however, while most states are generally in compliance with the limited letter of the statute, few state policies adequately further the legislative intent in these gravest cases.

² 42 U.S.C. 5106a(b)(2)(A)(x).

³ U.S. Dept. of Health & Human Services, Administration for Children & Families, “Basic State Grants, Child Abuse Protection and Treatment Act (CAPTA), States FY 2006 Estimates,” available at <http://www.acf.hhs.gov/>.

In implementing the federal CAPTA statute, the Child Welfare Policy Manual interprets CAPTA's mandates on public disclosure broadly. The Manual, which provides clarification as to proper state execution of CAPTA, directs that where CAPTA requires public disclosure of "findings or information" in the law, it requires disclosure of both findings and other information, stating that the intent of this provision was to assure the public is informed about cases of child abuse or neglect which result in the death or near death of a child. Further, the Manual explicitly emphasizes that the "State does not have discretion in whether to allow the public access to the child fatality or near fatality information; rather, the public has the discretion as to whether to access the information."⁴ A narrow reading of CAPTA—a reading favored by those who might be embarrassed by public disclosure—frustrates the statute's purposes and ignores the guidance provided by the Manual.

CAI and First Star believe that in the best interests of children, states must follow a broad interpretation of CAPTA's requirements regarding public disclosure. When abuse or neglect lead to a child's death or near death, the state's interest in confidentiality is secondary to the interests of the children who would be better protected and served by maximum transparency. An open system is a better system, draws attention to failures, empowers advocates, and ultimately better protects children. Through this report, First Star and CAI aim to hold

⁴ U.S. Dept. of Health & Human Services, Administration for Children & Families, "Child Welfare Policy Manual," section 2.1A.4, available at http://www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=68.

Proposed CAPTA Amendment

CAI and First Star hold that the public disclosure mandate contained in CAPTA is overly vague. CAPTA is up for reauthorization this summer. We will work in coalition with other child advocacy groups to press for an amendment that clarifies the confidentiality vs. disclosure balance in cases of death and near death, and encourage states to adopt clear statutory provisions for quality disclosure.

child protection systems accountable through public scrutiny and to challenge each state to adopt the best practices available.

BACKGROUND AND GOALS OF REPORT

This project began as an effort by the University of San Diego School of Law's Children's Advocacy Institute (CAI) to update and expand upon a 2005 document compiled by the Child Welfare Information Gateway entitled "Disclosure of Confidential Child Abuse and Neglect Records: Summary of State Laws." CAI focused its update on the specific public disclosure policies in each state regarding information on child fatalities and near fatalities caused by abuse and neglect.⁵ To do so, CAI and First Star researched and reviewed child abuse and neglect statutes state by state; contacted

⁵ Most states have child fatality review commissions, or comparable entities, that are charged with looking into all child deaths. These entities represent a critical step forward in recognizing the importance of thorough information gathering when a child dies. Their work should be applauded. However, most of these entities do not investigate child near deaths, nor do they provide public disclosure of findings or information on child death cases. For that reason, we only recognize states' child fatality review commissions as meeting the CAPTA requirement if their mandate requires them to make information available to the public.

each state's liaison officer for abuse and neglect⁶ to request a list of any existing statutes or policies relating to public disclosure of child fatality and near fatality information; developed multi-level criteria to assess each state's level of transparency with regard to disclosure; drafted and distributed preliminary versions of each state's Report Card to the state liaison officers and child death review teams for comment; and made appropriate revisions to the criteria and scores based on comments from the state representatives, as well as from child advocates who peer-reviewed the report.

This report aims to promote public awareness and discourse on the issue of public disclosure following child abuse and neglect deaths and near deaths, and to catalyze statewide and national legislative reform in order to better protect children and save lives.

The primary goal of this report is to advocate for making information about child abuse and neglect deaths available to the public in a predictable, consistent, and enforceable manner. CAI and First Star believe that providing public access to these most extreme cases will promote public discourse and examination of the circumstances that led to the fatality or near fatality, thereby promoting development of child protection policies, procedures,

practices, and strategies that reduce or prevent future incidents of child neglect, abuse, and fatalities.

A second, equally important goal of this report is to encourage enforceability. In conducting this evaluation, it has become clear that many states periodically disclose information far beyond that which is required by their public disclosure policies. However, when such disclosure is discretionary (not mandated by statute or official policy), it is not predictable, consistent or enforceable. To properly credit states that are practicing more transparent disclosure than their policies suggest, the quality of the information released must be reflected in their laws. Thus, a major goal of this project is to encourage state legislatures to modify their statutes to properly indicate the required transparency, thus making disclosure policies more enforceable.

Gold Star States ★

The following states earned scores of "B+" or higher for their public disclosure policies:

- A Nevada, New Hampshire
- A- California, Indiana, Iowa, Oregon
- B+ Florida, Illinois, New York

This report also seeks to remove restrictions that inappropriately limit access to the information made public by CAPTA. For example, some statutes provide for public disclosure in the case of a child fatality or near fatality, but indicate that release may occur only after a petition has been filed. The burden of requiring the filing of a petition creates a

⁶ See Appendix A. CAI obtained the list of state liaison officers (SLOs) for child abuse and neglect from the Child Welfare Information Gateway, a service of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services. Each state has an SLO, who is responsible for ensuring the compliance of state laws and policies regarding child abuse and neglect. According to the Gateway, the process for the selection of SLO varies from state to state. In some states, the Child Protective Services program manager is also the SLO.

vicious cycle because the names of children in the foster care system are usually held confidential and it is extremely difficult to file a petition for the release of records for a child whose name is not known. Additionally, some states provide that information will not be released until the alleged perpetrator is criminally charged (or would have been but for the alleged perpetrator's death). The disclosure of public information relating to these cases should not be dependent on the district attorney's decision to prosecute, as the criminal proceedings are not relevant to the reasons underlying the importance of the disclosure of information regarding the circumstances of a child's death.

Latitude for Improvement

The following states earned scores of "D+" or below for their public disclosure policies:

- D+ Maine, Wyoming
- D Colorado, Wisconsin
- D- Massachusetts
- F Georgia, Maryland, Montana, New Mexico, North Dakota, Pennsylvania, South Dakota, Tennessee, Utah, Vermont

CONCLUSION

Many states fail to properly reshift the balance between confidentiality and public disclosure required by CAPTA when a child dies or almost dies from maltreatment. Further, the exceptions, limitations, and conditions that many states impose on disclosure negate or significantly reduce the quality of the information provided.

The current undue emphasis on confidentiality only masks problems inherent in child protection systems. Public exposure is a necessary step toward fixing these problems. Each year, millions of taxpayer dollars go to support child protective services investigations. Accordingly, the public has a right to know if the laws for the protection of children are being followed and its tax dollars well-spent. Child abuse deaths and near deaths reflect the system's worst failures. Until state laws require the release of accurate and unfiltered information, we cannot identify the fault lines in the system, and cannot begin to fix them.

As in the cases of Nixzmary, Haleigh, and Rebecca, some tragic incidents are widely publicized and may lead to changes in the child welfare system. However, those changes are usually knee-jerk responses that address only the specific factors present in an individual case. Enhanced public disclosure of all child abuse and neglect deaths and near deaths enables the public, child advocates, and policymakers to work together to understand comprehensive trends and craft more thoughtful, comprehensive reforms that will help reduce or prevent the occurrence of future tragedies.

The necessary changes will not occur spontaneously. Only pressure from the public, media, advocates and legislators will assure that future editions of this report contain more "A"s and fewer "F"s.

Elements of a Good Public Disclosure Policy

- There is a written statewide policy.
- The policy is codified in statute.
- The policy covers cases of both death and near death caused by abuse or neglect.
- The policy is mandatory.
- The policy contains no vague exceptions, limitations, or conditions on the availability of the information.
- The public is explicitly entitled to receive information including but not limited to the cause of and circumstances regarding the fatality or near fatality; the age and gender of the child; information describing any previous reports made to and investigations conducted by the child welfare agency regarding the child and/or the child's family, and the results of any such investigations; and information describing any services provided or actions taken by the child welfare agency on behalf of the child and/or the child's family, before and after the fatality or near fatality.

This report presents a national evaluation of each state’s level of transparency with respect to the information released to the public following child fatalities and near-fatalities resulting from abuse or neglect. The grading system is based on multi-level criteria; specifically (1) does the state have an official policy regarding the disclosure to the public of findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality, (2) is that policy codified in statute, (3) what is the ease of access to the information (and whether there are conditions precedent that must take place in order for the information to be made available), (4) what is the scope of information released (what types of information is made available, what are the exceptions and the latitude for exclusion), and (5) what is the background level of transparency (*i.e.*, the level of confidentiality maintained by the state’s juvenile courts). The criteria was developed and approved by a panel of child welfare attorneys and child advocates.

CAI then reviewed child abuse and neglect statutes state by state; contacted the state liaison officer for abuse and neglect from each state requesting a list of any existing statutes or policies relating to public disclosure of child fatality and near fatality information;⁷ developed multi-level criteria to assess each state’s level of transparency with regard to disclosure; drafted and distributed a preliminary

report card to each liaison officer for comment;⁸ and made appropriate revisions to the criteria and scores based on comments from the state representatives,⁹ as well as from child advocates who peer-reviewed the report. CAI then sent a final preliminary report card to both the state liaison officers for each state, as well as to each state’s fatality review team.¹⁰

It is the authors’ intention to conduct periodic updates of this evaluation. Accordingly, each grade is subject to adjustment based on future developments in case law, statutory amendments, and clarification by state officials.

GRADING SYSTEM

97–100	A+
93–96	A
90–92	A–
87–89	B+
83–86	B
80–82	B–
77–79	C+
73–76	C
70–72	C–
67–69	D+
63–66	D
60–62	D–
59 AND BELOW	F

⁸ CAI received responses to the preliminary report card from the following 27 states: Alabama, Alaska, Arkansas, California, Delaware, Hawaii, Idaho, Indiana, Kansas, Louisiana, Maine, Minnesota, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

⁹ CAI received no response whatsoever, despite repeated requests, from the following 3 states: Georgia, Massachusetts, and Mississippi.

¹⁰ CAI received responses to the final preliminary report card from the SLO or fatality review teams in the following 16 jurisdictions: Arizona, District of Columbia, Hawaii, Illinois, Indiana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Oklahoma, South Carolina, South Dakota, Tennessee, Vermont, and Wyoming.

⁷ CAI received an initial email response from the following 42 states: Alabama, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin.

GRADE CRITERIA¹¹

1. State Policy for Public Disclosure (0–40 points)

Does the state have an articulated, official policy regarding the disclosure to the public of findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality?

2. Policy Codified in Statute (0–10 points)

Is the state’s policy on the release of information on cases of child deaths and near deaths resulting from abuse or neglect codified in statute, or is it contained in regulation or written (or oral) policy? Policies codified in statute provide more permanency and enforceability.

3. Ease of Access to the Information (0–20 points)

Does the policy use mandatory or permissive language regarding the disclosure of information? Is the release of information contingent on conditions precedent (*e.g.*, the filing of criminal charges or a court petition, having the death be a matter of public record, being able to specify the identity of the child involved, or the existence of prior agency involvement with the child or family)?

4. Scope of Information Released (0–20 points)

What is the scope of information authorized for release? Is it narrow, does it have some breadth, does it have substantial breadth, or is it vague and unclear? Does the policy include exceptions that inhibit or decrease the type of information that will be released (*e.g.*, exceptions that prohibit disclosure where it would be contrary to the best interests of the child, a sibling, or parent; would interfere with the privacy of the child, sibling, or parent; or would be likely to result in an emotional or mental reaction)?

5. Open vs. Closed Abuse/Neglect Proceedings (0–10 points)

Does the state allow public access to Dependency Court (abuse/neglect) proceedings? Such access enhances the public’s ability to hold parties accountable for their acts and omissions, and to determine when systemic and/or specific problems exist in the child protection system that can be addressed through appropriate reforms.

¹¹ For more information on the grade criteria, please see Appendix B.

GRADES

AT A GLANCE

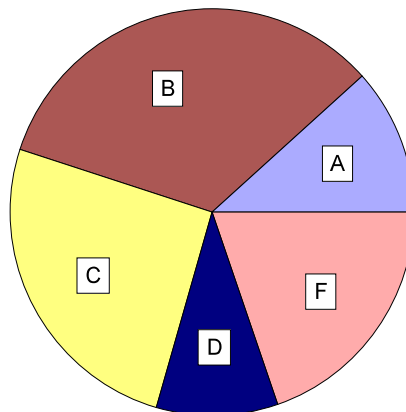
Jurisdiction	Grade
Alabama	B-
Alaska	C
Arizona	B
Arkansas	C-
California	A-
Colorado	D
Connecticut	B-
Delaware	C
District of Columbia	B-
Florida	B+
Georgia	F
Hawaii	B-
Idaho	B-
Illinois	B+
Indiana	A-
Iowa	A-
Kansas	B
Kentucky	C-
Louisiana	C-
Maine	D+
Maryland	F
Massachusetts	D-
Michigan	B-
Minnesota	B
Mississippi	B-

Jurisdiction	Grade
Missouri	B-
Montana	F
Nebraska	C+
Nevada	A
New Hampshire	A
New Jersey	B-
New Mexico	F
New York	B+
North Carolina	C
North Dakota	F
Ohio	C+
Oklahoma	C+
Oregon	A-
Pennsylvania	F
Rhode Island	C-
South Carolina	C
South Dakota	F
Tennessee	F
Texas	C+
Utah	F
Vermont	F
Virginia	C-
Washington	B
West Virginia	B-
Wisconsin	D
Wyoming	D+

GRADE DISTRIBUTION

Grade	Jurisdictions
A	Nevada, New Hampshire
A–	California, Indiana, Iowa, Oregon
B+	Florida, Illinois, New York
B	Arizona, Kansas, Minnesota, Washington
B–	Alabama, Connecticut, District of Columbia, Hawaii, Idaho, Michigan, Mississippi, Missouri, New Jersey, West Virginia
C+	Nebraska, Ohio, Oklahoma, Texas
C	Alaska, Delaware, North Carolina, South Carolina
C–	Arkansas, Kentucky, Louisiana, Rhode Island, Virginia
D+	Maine, Wyoming
D	Colorado, Wisconsin
D–	Massachusetts
F	Georgia, Maryland, Montana, New Mexico, North Dakota, Pennsylvania, South Dakota, Tennessee, Utah, Vermont

Distribution of Grades



POINT DISTRIBUTION

Jurisdiction	Criteria 1	Criteria 2	Criteria 3	Criteria 4	Criteria 5	Raw Total	Final Grade
Alabama	40	10	10	20	2	82	82
Alaska	40	10	6	10	10	76	76
Arizona	40	10	20	10	6	86	86
Arkansas	40	10	10	10	0	70	70
California	40	8	20	17.5	6	91.5	92
Colorado	30	7	9	9	10	65	65
Connecticut	40	10	20	10	0	80	80
Delaware	40	10	20	3.5	0	73.5	74
District of Columbia	40	10	20	7.25	5	82.25	82
Florida	40	10	17	11.5	10	88.5	89
Georgia	30	7	3	7.5	2	49.5	50
Hawaii	40	7	20	11.5	2	80.5	81
Idaho	40	10	20	10	2	82	82
Illinois	40	10	20	12	5	87	87
Indiana	40	10	20	10	10	90	90
Iowa	40	10	20	12	10	92	92
Kansas	40	10	20	6	10	86	86
Kentucky	40	10	6	12	2	70	70
Louisiana	40	10	10	10	0	70	70
Maine	40	10	9	7.25	3	69.25	69
Maryland	40	10	2	7.25	0	59.25	59
Massachusetts	30	7	15	7.5	0	59.5	60
Michigan	40	10	18	3.5	10	81.5	82

Jurisdiction	Criteria 1	Criteria 2	Criteria 3	Criteria 4	Criteria 5	Raw Total	Final Grade
Minnesota	40	10	4	20	10	84	84
Mississippi	40	10	20	10	2	82	82
Missouri	40	10	10	10	10	80	80
Montana	40	10	2	3.5	2	57.5	58
Nebraska	40	10	10	7.25	10	77.25	77
Nevada	40	10	20	20	5	95	95
New Hampshire	40	10	20	20	5	95	95
New Jersey	40	10	10	12	10	82	82
New Mexico	30	7	4	7.5	5	53.5	54
New York	40	10	12	16.75	10	88.75	89
North Carolina	40	10	4	12	10	76	76
North Dakota	30	7	15	4.5	2	58.5	59
Ohio	40	7	12	10	10	79	79
Oklahoma	40	10	4	20	3	77	77
Oregon	40	10	20	10	10	90	90
Pennsylvania	0	0	0	0	10	10	10
Rhode Island	40	10	10	10	2	72	72
South Carolina	40	10	10	10	4	74	74
South Dakota	40	10	2	4.25	3	59.25	59
Tennessee	30	0	7	7.5	10	54.5	55
Texas	30	7	15	15	10	77	77
Utah	0	0	0	0	10	10	10
Vermont	30	7	7	7.5	2	53.5	54
Virginia	40	7	10	12	2	71	71
Washington	40	10	16	7.25	10	83.25	83
West Virginia	40	10	20	10	0	80	80
Wisconsin	40	10	2	7.25	6	65.25	65
Wyoming	40	3	10	12	2	67	67

Alabama

Grade: B–

Criteria / Score	Why Alabama Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Ala. Code § 26-14-8(c)(12)).
3. What is the ease of access to the information? 10 points out of a possible 20 points	It is unclear whether Alabama's policy is mandatory or permissive, so it is being graded as if permissive . The reports and records of child abuse and neglect and related information or testimony "shall be confidential, and shall not be used or disclosed for any purposes other than...[f]or public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality" (Ala. Code § 26-14-8(c)(12)).
4. What is the scope of information authorized for release? 20 points out of a possible 20 points	Alabama's policy has substantial breadth . The only type of information explicitly exempt from disclosure is information identifying by name persons other than the victim (Ala. Code § 26-14-8(c)(12)). Information that is available includes all information in the written report; record of the final disposition of the report, including services offered and services accepted; and the plan for rehabilitative treatment (Ala. Code § 26-14-8(b)). The written reports are required to state, if known, the name of the child, his whereabouts, the names and addresses of the parents, guardian or caretaker and the character and extent of his injuries, the evidence of previous injuries to the child and any other pertinent information which might establish the cause of such injury or injuries, and the identity of the person or persons responsible for the injuries (Ala. Code § 26-14-5).
5. Are child abuse/neglect proceedings open? 2 points out of a possible 10 points	Ala. Code § 12-15-65(a) provides that the general public shall be excluded from dependency hearings and only the parties, their counsel, witnesses, and other persons requested by a party shall be admitted. Other persons as the court finds to have a proper interest in the case or in the work of the court may be admitted by the court on condition that the persons refrain from divulging any information which would identify the child or family involved.
Total: 82 points	

Alaska

Grade: C

Criteria / Score	Why Alaska Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Alaska Stat. § 47.10.093).
3. What is the ease of access to the information? 6 points out of a possible 20 points	Alaska's statutory language is permissive, with moderately restrictive conditional language . The Commissioner of Health and Social Services or the Commissioner of Administration, as appropriate, "may" disclose to the public, upon request, confidential information when abuse or neglect has resulted in the fatality or near fatality of a child "who is the subject of one or more reports of harm."
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	Alaska's policy is vague and unclear . It lacks specificity, noting only that the department may publicly disclose information pertaining to a child or an alleged perpetrator named in a report of harm, or pertaining to a household member of the child or the alleged perpetrator, if the information relates to a determination, if any, made by the department regarding the nature and validity of a report of harm or to the department's activities arising from its investigation of the report (Alaska Stat. § 47.10.093(j)). The Commissioner must withhold disclosure of the child's name, picture, or other information that would readily lead to the identification of the child if the department determines that the disclosure would be contrary to the best interests of the child, the child's siblings, or other children in the child's household (Alaska Stat. § 47.10.093(j)(1)).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Alaska Stat. § 47.10.070 provides that unless prohibited by federal or state law, court order, or court rule, hearings are open to the public. The initial court hearing is closed and subsequent hearings may be closed upon a specific and justified finding of the court.
Total: 76 points	

Arizona

Grade: B

Criteria / Score	Why Arizona Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Ariz. Rev. Stat. § 8-807).*
3. What is the ease of access to the information? 20 points out of a possible 20 points	Arizona's statutory language is mandatory . The department "on request, shall provide summary information regarding the fatality or near fatality caused by abuse or neglect" (Ariz. Rev. Stat. § 8-807(F)(2)).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	Arizona's policy is vague and unclear . It authorizes the release of "summary information," but provides no specificity as to what type information will be released upon request.
5. Are child abuse/neglect proceedings open? 6 points out of a possible 10 points	Proceedings are closed, but a person who is the subject of an investigation under Chapter 10, Title 8 of the Arizona Revised Statutes may request that a hearing or trial relating to the dependency proceeding be open to the public. The court shall order the hearing to be open to the public unless the court determines for good cause that all or part of the hearing or trial should be closed. The court may receive evidence and shall make written findings in support of its decision (Ariz. Rev. Stat. § 8-224(A)).
Total: 86 points	

* Pending at the time of this report, H.B. 2454 is being considered by the Arizona Legislature. Among other things, this bill would amend Arizona's public disclosure policy to provide that the department "shall promptly provide CPS information to the public, or to any person who requests access to this information, regarding a case of child abuse or neglect that resulted in a fatality or near fatality caused by abuse, abandonment or neglect. The department shall promptly notify the county attorney of any decision to release CPS information and the county attorney shall promptly inform the department if it believes that release of this information would cause a specific, material harm to a criminal investigation. The department shall produce as much information about a fatality or near fatality as promptly as possible, and its duty to disclose is a continuing duty."

Arkansas

Grade: C-

Criteria / Score	Why Arkansas Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Ark. Code Ann. § 12-12-506(a)(2)(A)(xii)).
3. What is the ease of access to the information? 10 points out of a possible 20 points	It is unclear whether Alabama's policy is mandatory or permissive, so it is being graded as if permissive. "Disclosure... is absolutely limited to...[t]he general public, the findings or information about the case of child abuse or neglect that has resulted in a child fatality or near fatality..." (Ark. Code Ann. § 12-12-506(a)(2)(A)(xii)).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	Arkansas' policy is vague and unclear. It provides no specificity as to what type of "findings or information" will be released to the public, and authorizes the central registry, which contains records of cases involving allegations of child maltreatment that are determined to be true, to redact "any information concerning siblings, attorney-client communications, and other confidential communications" (Ark. Code Ann. § 12-12-506(a)(2)(A)(xii)).
5. Are child abuse/neglect proceedings open? 0 points out of a possible 10 points	All hearings involving allegations and reports of child maltreatment and all hearings involving cases of children in foster care shall be closed (Ark. Code Ann. § 9-27-325(i)(1)).
Total: 70 points	

Criteria / Score	Why California Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 8 points out of a possible 10 points	Yes, as to fatalities (Cal. Welf. & Inst. Code § 10850.4) (see also Cal. Gov. Code § 6252.6). No, as to near fatalities (contained in Department of Social Services’ “All County Letter” No. 08-13 (March 14, 2008)).
3. What is the ease of access to the information? 20 points out of a possible 20 points	California’s statutory provision regarding information on fatalities is mandatory (the custodian of records for the county child welfare agency, upon request, “shall” release specified information). California’s “All County Letter” policy regarding the release of information on abuse or neglect death and near fatalities is mandatory (the report “shall” be available to the public upon request).*
4. What is the scope of information authorized for release? 17.5 points out of a possible 20 points	California’s policy regarding deaths caused by abuse or neglect has substantial breadth. Within five business days of learning that a child fatality has occurred in the county and that there is a reasonable suspicion that the fatality was caused by abuse or neglect, the information to be disclosed includes the age and gender of the child; the date of death; whether the child was in foster care or in the home of his or her parent or guardian at the time of death; and whether an investigation is being conducted by a law enforcement agency or the county child welfare agency (Cal. Welf. & Inst. Code § 10850.4(a)). Upon completion of the child abuse or neglect investigation into the child’s death, the following documents are also available: all previous referrals of abuse or neglect of the deceased child while living with his/her parent or guardian; the emergency response referral information form and the emergency response notice of referral disposition form completed by the county child welfare agency relating to the abuse or neglect that caused the death of the child; any cross reports completed by the county child welfare agency to law enforcement relating to the deceased child; all risk and safety assessments completed by

	the county child welfare services agency relating to the deceased child; all health care records of the deceased child, excluding mental health records, related to the child's death and previous injuries reflective of a pattern of abuse or neglect; and copies of police reports about the person against whom the child abuse or neglect was substantiated. Additional documents are available if the child's death occurred while the child was in foster care (Cal. Welf. & Inst. Code § 10850.4(c)). The custodian of records must redact the names, addresses, telephone numbers, ethnicity, religion, or any other identifying information of any person or institution, other than the county or DSS, that is mentioned in the released documents (Cal. Welf. & Inst. Code § 10850.4(e)); however, for children who die from abuse or neglect while in foster care, Cal. Gov. Code § 6252.6 authorizes the release of the child's name to the public upon request. California's policy regarding near deaths caused by abuse or neglect, as contained in the Department of Social Services' "All County Letter" No. 08-13 (March 14, 2008) (which also pertains to deaths), is narrow. Regarding near fatalities, data collected in DSS' "Statement of Findings and Information" is limited to the child's age and gender, the date of the near fatality, where the child resided at the time of the incident, whether law enforcement or CWS/probation conducted the investigation, and whether a physician, law enforcement, or CWS/Probation determined that it was caused by abuse/neglect. The form explicitly prohibits counties from providing any narrative regarding the case.
5. Are child abuse/neglect proceedings open? 6 points out of a possible 10 points	Cal. Welf. & Inst. Code § 346 provides that proceedings are closed, except to individuals with a legitimate interest. However, if requested by a parent or guardian and consented to or requested by the minor concerning whom the petition has been filed, the public may be admitted to a juvenile court hearing.
Total: 92 points (rounded up from 91.5)	

** DSS' 2008 All County Letter No. 08-13 requires counties to complete and submit a "Statement of Findings and Information" for all cases of child fatalities where there is "reasonable suspicion" that they resulted from abuse or neglect, but provides that counties must complete and submit the form for cases of near fatalities only when it "is determined" that the incident occurred as a result of abuse or neglect.*

Criteria / Score	Why Colorado Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 30 points out of a possible 40 points	Yes, as to fatalities. No, as to near fatalities.
2. Is the state policy codified in statute? 7 points out of a possible 10 points	Yes, as to fatalities (Colo. Rev. Stat. § 19-1-307). No, as to near fatalities.
3. What is the ease of access to the information? 9 points out of a possible 20 points	Colorado's policy, regarding deaths only, is mandatory with moderately restrictive conditional language. Disclosure of the name and address of the child and family and other identifying information involved in reports of child abuse or neglect "shall be permitted," but only when authorized by a court for good cause. Such disclosure shall not be prohibited when there is a death of a suspected victim of child abuse or neglect and (1) the death becomes a matter of public record, or (2) the alleged juvenile offender is or was a victim of abuse or neglect, or (3) the suspected or alleged perpetrator becomes the subject of an arrest by a law enforcement agency or the subject of the filing of a formal charge by a law enforcement agency (Colo. Rev. Stat. § 19-1-307(1)(b)).
4. What is the scope of information authorized for release? 9 points out of a possible 20 points	Colorado's policy, regarding deaths only, has some breadth. It explicitly authorizes the release of the name and address of the child and family and other identifying information, but provides no further specificity (Colo. Rev. Stat. § 19-1-307).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Colo. Rev. Stat. § 19-1-106(2), the general public shall not be excluded unless the court determines that it is in the best interest of the child or of the community to exclude the general public, and, in such event, the court shall admit only such persons as have an interest in the case or the work of the court, including persons whom the district attorney, the county or city attorney, the child, or the parents, guardian, or other custodian of the child wish to be present.
Total: 65 points	

Connecticut

Grade: B-

Criteria / Score	Why Connecticut Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Conn. Gen. Stat. § 17a-28(d)).
3. What is the ease of access to the information? 20 points out of a possible 20 points	Connecticut's policy is mandatory. The Commissioner "shall" make available to public, without consent of the person, information in general terms or findings concerning an incident of abuse or neglect that resulted in a child fatality or near fatality of a child (Conn. Gen. Stat. § 17a-28(d)).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	Connecticut's policy is vague and unclear. It provides that "information in general terms or findings concerning an incident of abuse or neglect which resulted in a child fatality or near fatality of a child," will be made available, but provides no further specificity regarding what type of information will be released (Conn. Gen. Stat. § 17a-28(d)).
5. Are child abuse/neglect proceedings open? 0 points out of a possible 10 points	Pursuant to Conn. Gen. Stat. § 46b-122, proceedings are closed, and the judge may exclude any person whose presence is not necessary.
Total: 80 points	

Delaware

Grade: C

Criteria / Score	Why Delaware Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (31 Del. C. § 323(e)).
3. What is the ease of access to the information? 20 points out of a possible 20 points	Delaware's policy is mandatory. The Commission on Child Deaths, Near Deaths, and Stillbirth "shall" investigate and review the facts and circumstances of the death or near death of an abused and/or neglected child, and "shall" make recommendations, at least annually, regarding practices or conditions which impact the mortality of children. These recommendations shall be made to any members of the public requesting them (31 Del. C. § 323(e)).
4. What is the scope of information authorized for release? 3.5 points out of a possible 20 points	Delaware's scope of release is narrow, with a severely restrictive substantive limitation, which authorizes the release of only "system-wide recommendations" (31 Del. C. § 323(a)) and provides that the facts and circumstances of each death or near death shall be confidential (31 Del. C. § 324).
5. Are child abuse/neglect proceedings open? 0 points out of a possible 10 points	Pursuant to 10 Del. C. § 1063 (a), proceedings are closed.
Total: 74 points <i>(rounded up from 73.5)</i>	

District of Columbia Grade: B–

Criteria / Score	Why District of Columbia Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (D.C. Official Code § 4-1303.32 (Supp. 2007)).
3. What is the ease of access to the information? 20 points out of a possible 20 points	District of Columbia's policy is mandatory . A disclosing official "shall" upon written request by any person, and may upon his or her own initiative, disclose to the public the findings and information related to a child fatality or near fatality (D.C. Official Code § 4-1303.32(a)(1) (Supp. 2007)).
4. What is the scope of information authorized for release? 7.25 points out of a possible 20 points	District of Columbia's policy has substantial breadth, with multiple substantive limitations . The term "findings and information" is defined to include all public records compiled, received or created in course of any investigation, assessment, or review; written summary including specified information; any CPS action taken; and other pertinent information concerning circumstances of abuse or neglect. Multiple substantive limitations allow information to be withheld if its release would likely endanger the emotional well-being of the child who is the subject of the findings and information or a child who is a sibling of such child or has shared the same household as such child, or if it would disclose personal or private information (D.C. Official Code § 4-1303.32(a)(2)(A), (G) (Supp. 2007)).
5. Are child abuse/neglect proceedings open? 5 points out of a possible 10 points	Pursuant to D.C. Official Code § 16-2316(e)(2)-(3) (Supp. 2007), proceedings are closed except to necessary individuals. However, the Family Division may admit such other persons (including members of the press) as have a proper interest in the case or the work of the court on condition that they refrain from divulging information identifying the child or members of the child's family involved in the proceedings.
Total: 82 points <i>(rounded down from 82.25)</i>	

Florida

Grade: B+

Criteria / Score	Why Florida Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Fla. Stat. Ann. §§ 39.202, 39.201(2)).
3. What is the ease of access to the information? 17 points out of a possible 20 points	Florida's policy, regarding deaths only, is mandatory (access to such records "shall" be granted) (Fla. Stat. Ann. §§ 39.202(2)(o)). Florida's policy, regarding records of serious bodily injury to a child due to abuse or neglect is permissive, with a moderately restrictive condition (the Department "may" petition the court for an order for immediate public release of the records) (Fla. Stat. Ann. §§ 39.201(2)).
4. What is the scope of information authorized for release? 11.5 points out of a possible 20 points	Florida's policy, regarding deaths only, has some breadth. The policy provides that accessible records include records held by the department concerning reports of child abandonment, abuse, or neglect, including reports made to the central abuse hotline and all records generated as a result of such reports (Fla. Stat. Ann. §§ 39.202(2)(o)). Florida's policy, regarding cases involving serious bodily injury to a child, is narrow. The agency may withhold the name of child, and may release limited summary information including a confirmation that an investigation was conducted; a description of procedural activities undertaken; and date and summary of any judicial proceedings (Fla. Stat. Ann. §§ 39.201(2)).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Fla. Stat. Ann. § 39.507(2), proceedings are open to the general public. However, the judge may close proceedings in the interest of the child.
Total: 89 points <i>(rounded up from 88.5)</i>	

Criteria / Score	Why Georgia Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 30 points out of a possible 40 points	Yes, as to fatalities. No, as to near fatalities.
2. Is the state policy codified in statute? 7 points out of a possible 10 points	Yes, as to fatalities (Ga. Code Ann § 49-5-41). No, as to near fatalities.
3. What is the ease of access to the information? 3 points out of a possible 20 points	Georgia's policy, regarding deaths only, is mandatory, with severely restrictive conditional language. Any adult requesting information regarding investigations by the department or a governmental child protective agency regarding a deceased child "shall" have reasonable access to the records, but only when the person can specify the identity of the child. Also, child abuse and deprivation records are not confidential if at the time of his/her death the child was (1) in the custody of a state department or agency or foster parent; (2) a child as defined in Code Section 15-11-171(3); or (3) the subject of an investigation, report, referral, or complaint under Code Section 15-11-173 (Ga. Code Ann § 49-5-41(e)).
4. What is the scope of information authorized for release? 7.5 points out of a possible 20 points	Georgia's policy, regarding deaths only, is narrow. Information authorized for release pursuant to Ga. Code Ann. § 49-5-41(a)(6) is limited to a disclosure regarding whether there is an ongoing or completed investigation of the child's death and, if completed, whether child abuse was confirmed or unconfirmed. There is no specificity to the types of information authorized for release pursuant to Ga. Code Ann. § 49-5-41(e).
5. Are child abuse/neglect proceedings open? 2 points out of a possible 10 points	Pursuant to Ga. Code Ann. § 15-11-78(a), proceedings are closed except to necessary individuals and persons the court determines to have a proper interest in the proceeding.
Total: 50 points <i>(rounded up from 49.5)</i>	

Hawaii

Grade: B-

Criteria / Score	Why Hawaii Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 7 points out of a possible 10 points	No, but Hawaii's policy is contained in administrative rule (Title 17, Chapter 1601, § 17-1601-6(16)(D)).
3. What is the ease of access to the information? 20 points out of a possible 20 points	Hawaii's policy is mandatory . Disclosure of all or a portion of the record without consent or court order "shall be authorized" when made pursuant to a legitimate state purpose, which includes disclosure to the public when the child named in a report is missing, has suffered a near fatality, been critically injured, or has died (Title 17, Chapter 1601, § 17-1601-6(16)(D)).
4. What is the scope of information authorized for release? 11.5 points out of a possible 20 points	Hawaii's policy regarding fatalities has some breadth, providing that child death review information that does not contain any information that would permit identification of any person shall be public records (Haw. Rev. Stat. § 321-345). The term child death review information means information regarding the child and child's family, including but not limited to social, medical, and legal histories; death and birth certificates; law enforcement investigative data; medical examiner or coroner investigative data; parole and probation information and records; information and records of social service agencies; educational records; and health care institution information. Hawaii's policy regarding near fatalities is vague and unclear, authorizing the release of all or a portion of the record, and providing no further specificity regarding what types of information will be disclosed (Title 17, Chapter 1601, § 17-1601-6).
5. Are child abuse/neglect proceedings open? 2 points out of a possible 10 points	Pursuant to Haw. Rev. Stat. § 571-41(b), proceedings are closed except to individuals who have a direct interest in the case.
Total: 81 points (rounded up from 80.5)	

Idaho

Grade: B-

Criteria / Score	Why Idaho Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	No, but Idaho's policy is contained in an administrative rule that is subject to a comprehensive process that includes review and approval by the Idaho Legislature in order to become final and enforceable (IDAPA 16.05.01.210).
3. What is the ease of access to the information? 20 points out of a possible 20 points	Idaho's policy is mandatory . Information regarding child fatalities or near fatalities "is required" to be made public by CAPTA (IDAPA 16.05.01.210).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	Idaho's policy is vague and unclear , authorizing the release of information regarding child fatalities or near fatalities but providing no further specificity regarding what types of information will be disclosed (IDAPA 16.05.01.210).
5. Are child abuse/neglect proceedings open? 2 points out of a possible 10 points	Pursuant to Idaho Code Ann. § 16-1613(1), proceedings are closed except to individuals who have a direct interest in the case.
Total: 82 points	

Illinois

Grade: B+

Criteria / Score	Why Illinois Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (325 ILCS 5/4.2).*
3. What is the ease of access to the information? 20 points out of a possible 20 points	Illinois' policy is mandatory . If the Department receives from the public a request for information relating to a case of child abuse or neglect involving the death or serious life-threatening injury of a child, the Director shall consult with the State's Attorney in the county of venue and release the report related to the case (325 ILCS 5/4.2(b)).* Further, no later than six months after the date of the death or serious life-threatening injury of the child, the Department shall notify specified policymakers upon the completion of the report and shall submit an annual cumulative report to the Governor and the General Assembly incorporating cumulative data about the reports and including appropriate findings and recommendations; these reports shall be made available to the public after completion or submittal (325 ILCS 5/4.2(c)).*

4. What is the scope of information authorized for release? 12 points out of a possible 20 points	Illinois' policy has substantial breadth, with a moderately restrictive substantive limitation. The policy provides that the disclosable report shall include the cause of death or serious life-threatening injury, whether from natural or other causes; any extraordinary or pertinent information concerning the circumstances of the child's death or serious life-threatening injury; identification of child protective or other social services provided or actions taken regarding the child or his or her family at the time of the death or serious life-threatening injury or within the preceding 5 years; any action or further investigation undertaken by the Department since the death or serious life-threatening injury of the child; as appropriate, recommendations for State administrative or policy changes; and whether the alleged perpetrator of the abuse or neglect has been charged with committing a crime related to the report and allegation of abuse or neglect. Any information provided by an adult subject of a report that is released about the case in a public forum shall be subject to disclosure upon a public
	information request. Information about the case shall also be subject to disclosure upon consent of an adult subject. Information about the case shall also be subject to disclosure if it has been publicly disclosed in a report by a law enforcement agency or official, a State's Attorney, a judge, or any other State or local investigative agency or official. A moderately restrictive substantive limitation allows the Director to redact from the information disclosed to the public information that may cause mental harm to a sibling or another child living in the household (325 ILCS 5/4.2(b)).*
5. Are child abuse/neglect proceedings open? 5 points out of a possible 10 points	Pursuant to 705 ILCS 405/1-5(6), proceedings are closed to the general public except for the news media, the victim, and individuals with a direct interest in the case.
Total: 87 points	

** 325 ILCS 5/4.2 was amended by P.A. 95-405 with changes that will go into effect on June 1, 2008. All references to 325 ILCS 5/4.2 refer to the statutory language as it will be on and after June 1, 2008.*

Indiana

Grade: A–

Criteria / Score	Why Indiana Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Ind. Code Ann § 31-33-18-1.5).
3. What is the ease of access to the information? 20 points out of a possible 20 points	Indiana's policy is mandatory . When a person requests a record, the entity having control of the record "shall immediately transmit" a copy of the record to the court exercising juvenile jurisdiction in the county in which the death or near fatality of the child occurred (Ind. Code Ann § 31-33-18-1.5(e)). The court "shall" disclose the record upon payment of the reasonable expenses of copying the record (Ind. Code Ann § 31-33-18-1.5(g)).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	Indiana's policy is vague and unclear . It allows certain identifying information to be redacted and provides only that disclosure pertains to records held by the division of family services; a county office; the department; a local child fatality review team; and the statewide child fatality review team (Ind. Code Ann § 31-33-18-1.5(a)). The policy provides no further specificity regarding what types of information will be disclosed.
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Ind. Code Ann. § 31-32-6-2, proceedings are open; the juvenile court shall determine whether the public should be excluded from a proceeding.
Total: 90 points	

Iowa

Grade: A–

Criteria / Score	Why Iowa Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Iowa Code § 235A.15(9)-(11)).
3. What is the ease of access to the information? 20 points out of a possible 20 points	Iowa's policy is mandatory . If the department receives from a member of the public a request for information relating to a case of founded child abuse involving a fatality or near fatality to a child, the director shall consult with the county attorney and "shall" disclose information relating to the case (Iowa Code § 235A.15(9)).
4. What is the scope of information authorized for release? 12 points out of a possible 20 points	Iowa's policy has substantial breadth, with a moderately restrictive substantive limitation . While it does not explicitly authorize the release of the child's name, it does provide that the release shall include any relevant child abuse information and the department's response and findings; whether the child was utilizing social services at time of incident or within five year period preceding; any recommendations made by the department to the county attorney or juvenile court; if applicable, a summary of an evaluation of the department's responses in case (Iowa Code § 235A.15(10)). However, a substantive limitation authorizes the director to withhold information he/she reasonably believes is likely to cause mental harm to a sibling of the child or to another child residing in the child's household (Iowa Code § 235A.15(9)(d)).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Iowa Code § 232.92, proceedings are open to the public, but may be closed in the interest of the child.
Total: 92 points	

Kansas

Grade: B

Criteria / Score	Why Kansas Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Kan. Stat. Ann. § 38-2212(f)).
3. What is the ease of access to the information? 20 points out of a possible 20 points	Kansas' policy is mandatory . In the event that child abuse or neglect results in a child fatality or near fatality, the reports or records of a child in need of care received by the department of social and rehabilitation services, a law enforcement agency or any juvenile intake and assessment worker "shall" become a public record and subject to disclosure (Kan. Stat. Ann. § 38-2212(f)(1)).
4. What is the scope of information authorized for release? 6 points out of a possible 20 points	Kansas' policy is vague and unclear, with a moderately restrictive substantive limitation . The policy provides that "reports and records" shall become a public record, but provides no specificity regarding what types of information will be released. The policy states that privileged information remains privileged. A substantive limitation allow records to be withheld if release would affect the privacy of child or the child's siblings, parents or guardians (Kan. Stat. Ann. § 38-2212(f)(1)).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Kan. Stat. Ann. § 38-2247, proceedings are open unless the court determines that closed proceedings would be in the best interest or necessary to protect the privacy rights of parents. Upon agreement of interested parties and the court, other persons may be admitted.
Total: 86 points	

Kentucky

Grade: C-

Criteria / Score	Why Kentucky Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Ky. Rev. Stat. Ann. § 620.050(12)).
3. What is the ease of access to the information? 6 points out of a possible 20 points	Kentucky's policy is permissive, with moderately restrictive conditional language. Information "may" be publicly disclosed by the Cabinet for Human Resources in a case where child abuse or neglect has resulted in a child fatality or near fatality. However, the cabinet only conducts internal reviews of cases where the cabinet had prior involvement with the child or family (Ky. Rev. Stat. Ann. § 620.050(12)(b)).
4. What is the scope of information authorized for release? 12 points out of a possible 20 points	Kentucky's policy has some breadth. Although silent as to the release of the name of child, the policy states that the summary prepared by the cabinet shall include its actions and any policy or personnel changes taken or to be taken, including the results of appeals, as a result of the findings from the internal review; and any cooperation, assistance, or information from any agency of the state or any other agency, institution, or facility providing services to the child or family that were requested and received by the cabinet during the investigation of a child fatality or near fatality (Ky. Rev. Stat. Ann. § 620.050(12)(b)). When an adult who is the subject of information made confidential publicly reveals or causes to be revealed any significant part of the confidential matter or information, the confidentiality is presumed voluntarily waived, and confidential information and records about the person making or causing the public disclosure, not already disclosed but related to the information made public, may be disclosed (Ky. Rev. Stat. Ann. § 620.050(13)).
5. Are child abuse/neglect proceedings open? 2 points out of a possible 10 points	Pursuant to Ky. Rev. Stat. Ann. § 610.070(3), proceedings are closed to the general public. The court may admit persons with a direct interest in the case or in the work of the court and others agreed to by the child and his attorney.
Total: 70 points	

Louisiana

Grade: C–

Criteria / Score	Why Louisiana Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (La. R.S. 46:56).
3. What is the ease of access to the information? 10 points out of a possible 20 points	Louisiana's policy is permissive . Public disclosure of summary information contained in the child abuse or neglect records of the Department of Social Services "may" be made when there has been a child fatality or near fatality in which abuse or neglect was medically determined by an examining physician to be a contributing factor in the cause of death or near fatality (La. R.S. 46:56(F)(9)).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	Louisiana's policy is vague and unclear . The policy provides only that "limited public disclosure of summary information" contained in child abuse or neglect records is authorized, with no further specificity (La. R.S. 46:56(F)(9)).
5. Are child abuse/neglect proceedings open? 0 points out of a possible 10 points	Pursuant to La. Child. Code Ann. art. 407(A), proceedings are closed to the general public.
Total: 70 points	

Maine

Grade: D+

Criteria / Score	Why Maine Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (M.R.S. § 4008-A).
3. What is the ease of access to the information? 9 points out of a possible 20 points	Maine's policy regarding deaths only is permissive and its policy regarding near deaths is permissive with moderately restrictive conditional language. For deaths, the commissioner "may" disclose specified information (M.R.S. § 4008-A(1)(d)). For near fatalities, the commissioner "may" disclose specified information only if the alleged perpetrator of the abuse or neglect has been charged with committing a crime related to the allegation of abuse or neglect; a judge, a law enforcement agency official, a district attorney or another state or local investigative agency or official has publicly disclosed, as required by law in the performance of official duties, the provision of child welfare services or the investigation by child welfare services of the abuse or neglect of the child; or an individual who is the parent, custodian or guardian of the victim or a child victim over 14 years of age has made a prior knowing, voluntary, public disclosure (M.R.S. § 4008-A(1)(a)-(c)).
4. What is the scope of information authorized for release? 7.25 points out of a possible 20 points	Maine's policy has substantial breadth, with a severely restrictive substantive limitation. Disclosure may include the name and age of the child (if the child is under 13, his/her GAL must agree); the findings of the investigating agency; CPS actions taken; whether the child or family has received care or services from child welfare services prior to every report of abuse/neglect; and any extraordinary or pertinent information concerning circumstances of abuse/neglect (M.R.S. § 4008-A(2)). A severely restrictive substantive limitation authorizes the commissioner to withhold information if release would be contrary to the best interests of the child, the child's siblings, or other children in the household (M.R.S. § 4008-A(4)).
5. Are child abuse/neglect proceedings open? 3 points out of a possible 10 points	Pursuant to Me. Rev. Stat. Ann. Title 22, § 4007(1), proceedings are closed to the public unless the court orders otherwise.
Total: 69 points (<i>rounded down from 69.25</i>)	

Maryland

Grade: F

Criteria / Score	Why Maryland Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Md. Ann. Code art. HU, § 1-203).
3. What is the ease of access to the information? 2 points out of a possible 20 points	Maryland's policy is permissive with severely restrictive conditional language . The local director or Secretary "may" disclose information concerning child abuse or neglect, as specified, when a child named in a report of abuse or neglect has died or suffered a serious physical injury, but only if the alleged abuser or neglecter has been charged with a crime related to a report of child abuse or neglect (Md. Ann. Code art. HU, § 1-203(b)(1)).
4. What is the scope of information authorized for release? 7.25 points out of a possible 20 points	Maryland's policy has substantial breadth, with a severely restrictive substantive limitation . Information that may be disclosed includes the name of child; the date of report; findings made at the conclusion of the investigation, and the disposition based on those findings; services provided; the number of referrals for professional services; any prior adjudication as a child in need of assistance; and any information concerning the circumstances of abuse/neglect and investigation (Md. Ann. Code art. HU, § 1-203(d)). A severely restrictive substantive limitation allows information to be withheld if the director or secretary determines disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household, family, or care of the alleged abuser or neglecter (Md. Ann. Code art. HU, § 1-203(b)(1)(i)).
5. Are child abuse/neglect proceedings open? 0 points out of a possible 10 points	Pursuant to Md. Code Ann. Cts. & Jud. Proc. § 3-810(b)(2), the general public is excluded from proceedings that involve the discussion of confidential information from the child abuse and neglect report and record, or any information obtained from the child welfare agency concerning a child or family who is receiving Title IV-B child welfare services or Title IV-E foster care or adoption assistance.
Total: 59 points <i>(rounded down from 59.25)</i>	

Massachusetts Grade:D-

Criteria / Score	Why Massachusetts Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 30 points out of a possible 40 points	Yes, as to fatalities.* No, as to near fatalities.
2. Is the state policy codified in statute? 7 points out of a possible 10 points	Yes, as to fatalities (M.G.L.A. 38 § 2A).* No, as to near fatalities.
3. What is the ease of access to the information? 15 points out of a possible 20 points	Massachusetts' policy, regarding deaths only, is mandatory. The state child fatality review team "shall" provide the public with annual written reports (M.G.L.A. 38 § 2A(b)(2)(ix)).
4. What is the scope of information authorized for release? 7.5 points out of a possible 20 points	Massachusetts' policy, regarding deaths only, is vague and unclear. The policy requires the release of reports including, but not limited to, the state team's findings and recommendations, with no further specificity (M.G.L.A. 38 § 2A(b)(2)(ix)).
5. Are child abuse/neglect proceedings open? 0 points out of a possible 10 points	Pursuant to Mass. Ann. Laws ch. 119, § 38, proceedings are closed to the general public.
Total: 60 points (rounded up from 59.5 points)	

* Although Massachusetts does not have a policy specifically implementing the CAPTA requirement regarding public disclosure of findings or information on cases of child abuse or neglect that result in fatalities or near fatalities, it does require its child fatality review team to release certain information to the public; thus, points were provided based on the quality and availability of that public information.

Michigan

Grade: B–

Criteria / Score	Why Michigan Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (MCLS §§ 722.627c, 722.627d).
3. What is the ease of access to the information? 18 points out of a possible 20 points	Michigan’s policy regarding fatalities is mandatory (the director “shall” release specified information (MCLS § 722.627c)), and its policy regarding near fatalities is permissive (the director “may” release specified information regarding cases involving sexual abuse, serious injury, or life threatening harm (MCLS § 722.627d(2)(b)(vi)).
4. What is the scope of information authorized for release? 3.5 points out of a possible 20 points	Michigan’s policy is narrow, with a severely restrictive substantive limitation . The policy defines “specified information” to mean information in a children’s protective services case record related specifically to the department’s actions in responding to a complaint of child abuse or neglect (MCLS § 722.622(y)). A severely restrictive substantive limitation authorizes information to be withheld if release conflicts with the best interest of the child to whom the specified information relates (MCLS § 722.627d(2)(b)).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Mich. Comp. Laws Serv. § 712A.17(7), proceedings are open to public. Upon motion of a party or a victim, the court may close the hearing of a case to members of the general public during the testimony of a juvenile witness or the victim if the court finds that closing the hearing is necessary to protect the welfare of the juvenile witness or the victim.
Total: 82 points <i>(rounded up from 81.5)</i>	

Minnesota

Grade: B

Criteria / Score	Why Minnesota Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (M.S.A. § 626.556, Subd. 11d).
3. What is the ease of access to the information? 4 points out of a possible 20 points	Minnesota's policy is mandatory with severely restrictive conditional language. The public agency "shall" disclose to the public, upon request, the findings and information related to a child fatality or near fatality, if a person is criminally charged with having caused the child fatality or near fatality or a county attorney certifies that a person would have been charged with having caused the child fatality or near fatality but for that person's death (M.S.A. § 626.556, Subd. 11d(b)).
4. What is the scope of information authorized for release? 20 points out of a possible 20 points	Minnesota's policy has substantial breadth. It provides that the term "findings and information" means a written summary that includes the dates, outcomes, results of any actions taken or services rendered; results of any review of child mortality panel or any public agency; results of investigations; description of conduct of most recent investigation and services rendered; and the basis for the agency's determination (M.S.A. § 626.556, Subd. 11d(c)). The provisions are silent as to release of the name of child.
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Minn. Rule of Court 27.01, absent exceptional circumstances, hearings in juvenile protection matters are presumed accessible to public. The closure of any hearing shall be noted on the record and reasons for closure given.
Total: 84 points	

Mississippi

Grade: B–

Criteria / Score	Why Mississippi Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Miss. Code Ann. § 43-21-261).
3. What is the ease of access to the information? 20 points out of a possible 20 points	Mississippi's policy appears to be mandatory . It provides that in every case where there is any indication or suggestion of either abuse or neglect and a child's physical condition is medically labeled as medically "serious" or "critical" or a child dies, confidentiality provisions "shall not apply" (Miss. Code Ann. § 43-21-261(17)).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	Mississippi's policy is narrow . The policy provides for disclosure of the name and address of the child, but explicitly limits other pertinent information to verification of case status (no case or involvement, case exists, open or active case, case closed); if a case exists, the type of report or case (physical abuse, neglect, etc.); date of intake and investigations; and case disposition (substantiated or unsubstantiated) (Miss. Code Ann. § 43-21-261(17)).
5. Are child abuse/neglect proceedings open? 2 points out of a possible 10 points	Pursuant to Miss. Code Ann. § 43-21-203(6), proceedings are closed to the general public. The court may admit persons with direct interest in the work of the court.
Total: 82 points	

Missouri

Grade: B–

Criteria / Score	Why Missouri Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Mo. Rev. Stat. § 210.150.5).
3. What is the ease of access to the information? 10 points out of a possible 20 points	Missouri's policy is permissive . The release of findings or information about cases which resulted in a child fatality or near fatality "is at the sole discretion" of the director of the department of social services, based upon a review of the potential harm to other children within the immediate family (Mo. Rev. Stat. § 210.150.5).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	Missouri's policy is vague and unclear . It authorizes the release of "findings or information about cases which resulted in a child fatality or near fatality", but provides no further specificity regarding what type of information will be disclosed (Mo. Rev. Stat. § 210.150.5).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Mo. Rev. Stat. § 211.319(1), proceedings are open to the public. The court may exclude certain persons if it is in the welfare and best interests of the child or for exceptional circumstances.
Total: 80 points	

Montana

Grade: F

Criteria / Score	Why Montana Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes (although the provision below does not specifically extend to child fatalities and near fatalities caused by abuse or neglect, it arguably includes such cases).
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Mont. Code Ann. § 41-3-205).
3. What is the ease of access to the information? 2 points out of a possible 20 points	Montana's policy is permissive with severely restrictive conditional language. Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, "may" be disclosed, but only to persons or entities meeting one of 26 classifications, none of which include the general public (Mont. Code Ann. § 41-3-205(3)).
4. What is the scope of information authorized for release? 3.5 points out of a possible 20 points	Montana's policy is narrow, with a severely restrictive substantive limitation. For example, disclosure to the news media is limited to the "confirmation of factual information regarding how the case was handled" (Mont. Code Ann. § 41-3-205(3)(p)). A severely restrictive substantive limitation authorizes disclosure to be withheld if release is found to violate the privacy rights of the child, child's parent, or guardian (Mont. Code Ann. § 41-3-205(3)(p)).
5. Are child abuse/neglect proceedings open? 2 points out of a possible 10 points	Pursuant to Mont. Code Ann. § 40-6-120, proceedings are closed except to necessary individuals.
Total: 58 points <i>(rounded up from 57.5)</i>	

Nebraska

Grade: C+

Criteria / Score	Why Nebraska Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Legislative Bill 782, March 10, 2008).
3. What is the ease of access to the information? 10 points out of a possible 20 points	Nebraska's policy is permissive . The chief executive officer or director "may" disclose information regarding child abuse or neglect and the investigation of and any services related to the child abuse and neglect if the information is related to a child fatality or near fatality (Legislative Bill 782, March 10, 2008).
4. What is the scope of information authorized for release? 7.25 points out of a possible 20 points	Nebraska's policy has substantial breadth with a severely restrictive substantive limitation .* Information that may be disclosed includes, but is not limited to, child placement, whether in-home or out-of-home, terms of contact, hearing dates, the reason for removal from parents or placement, the number of placements and type, permanency objectives, court-ordered services or other services provided by the division, and status of the court process. A severely restrictive substantive limitation authorize disclosure to be withheld if the chief executive officer or director determines that disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household (Legislative Bill 782, March 10, 2008).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Neb. Rev. Stat. Ann. § 24-1001, proceedings are open to the general public.
Total: 77 points (rounded down from 77.25)	

* The authors believe that the policy Nebraska had prior to the March 10, 2008 enactment of Legislative Bill 782 authorized a broader scope of information for release to the public. That policy, which was codified at Neb. Rev. Stat. Ann. § 28-736, authorized disclosure of dates, outcomes, results of any actions taken or services rendered, confirmation that investigations were conducted, results of investigations, a description of conduct of the most recent investigation and services rendered, and the basis for the agency's decision.

Nevada

Grade: A

Criteria / Score	Why Nevada Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Nev. Rev. Stat. Ann. § 432B.175).
3. What is the ease of access to the information? 20 points out of a possible 20 points	Nevada's policy is mandatory. Data or information concerning reports and investigations thereof "must be made available" to any member of the general public upon request if the child who is the subject of a report of abuse or neglect suffered a fatality or near fatality (Nev. Rev. Stat. Ann. § 432B.175(1)).
4. What is the scope of information authorized for release? 20 points out of a possible 20 points	Nevada's policy has substantial breadth. The data or information which must be disclosed includes, without limitation a summary of the report of abuse or neglect and a factual description of the contents of the report; the date of birth and gender of the child; the date that the child suffered the fatality or near fatality; the cause of the fatality or near fatality, if such information has been determined; whether the child welfare services agency had any contact with the child or a member of the child's family or household before the fatality or near fatality and, if so, the frequency of any contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality, whether the agency provided any child welfare services to the child or to a member of the child's family or household before or at the time of the fatality or near fatality; whether the agency made any referrals for child welfare services for the child or for a member of the child's family or household before or at the time of the fatality or near fatality, whether the agency took any other actions concerning

	the welfare of the child before or at the time of the fatality or near fatality, and a summary of the status of the child's case at the time of the fatality or near fatality, including, without limitation, whether the child's case was closed by the agency which provides child welfare services before the fatality or near fatality and, if so, the reasons that the case was closed; and whether the agency, in response to the fatality or near fatality, has provided or intends to provide child welfare services to the child or to a member of the child's family or household, has made or intends to make a referral for child welfare services for the child or for a member of the child's family or household; and has taken or intends to take any other action concerning the welfare and safety of the child or any member of the child's family or household (Nev. Rev. Stat. Ann. § 432B.175(1)(a)-(f)).
5. Are child abuse/neglect proceedings open? 5 points out of a possible 10 points	Pursuant to Nev. Rev. Stat. Ann. § 432B.430(1)(a), (2)(a), proceedings are closed in counties with population of less than 400,000, and open in counties with populations greater than 400,000.
Total: 95 points	

Criteria / Score	Why New Hampshire Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (NH RSA § 126-A:5(XII)).
3. What is the ease of access to the information? 20 points out of a possible 20 points	New Hampshire's policy is mandatory . The Commissioner shall, upon request, publicly disclose specified information regarding the abuse or neglect of a child if there has been a fatality or near fatality resulting from abuse or neglect of a child (NH RSA § 126-A:5(XII)(a)).
4. What is the scope of information authorized for release? 20 points out of a possible 20 points	New Hampshire's policy has substantial breadth . Information that shall be released includes the date of report; the statutory basis and supporting allegations of any such report; whether any such report was referred to the district office and if so, the priority assigned to it; the date it was referred to district for assessment; for each report, the date and means by which contact was made with the family, any collateral contact made as part of investigation, the date the assessment was finished, the fact that the department's investigation resulted in finding of abuse/neglect and basis for the finding, and services and actions taken; and any extraordinary or pertinent information concerning circumstances of abuse or neglect (when the Commissioner determines disclosure is consistent with the public interest) (NH RSA § 126-A:5(XII)(c)).
5. Are child abuse/neglect proceedings open? 5 points out of a possible 10 points	Pursuant to N.H. Rev. Stat. Ann. § 169-C:14, proceedings are closed except to necessary individuals. Only such persons as the parties, their witnesses, counsel and representatives of the agencies present to perform their official duties shall be admitted, except that other persons invited by a party may attend, with the court's prior approval.*
Total: 95 points	

**While abuse and neglect hearings are generally closed to the public pursuant to RSA 169-C:14, the New Hampshire legislature has established temporary pilot projects in Grafton, Rockingham, and Sullivan counties, subject to certain restrictions. Abuse and neglect hearings in these counties will be open to the public unless the court determines that the disclosure of some or all of the evidence would be contrary to the best interests of the child, or that disclosure would cause unreasonable harm to one or more of the parties. Any party may request the court to order, or the court on its own initiative may order, that all or a portion of a hearing be closed to the public. Medical and psychological reports, records, and profiles, and testimony referring to the contents of such reports, records, and profiles, shall remain confidential in all abuse and neglect proceedings. When the child who is the subject of the proceedings is present at a hearing, it shall be presumed that admitting non-parties would be contrary to the best interest of the child, or would cause unreasonable harm.*

Criteria / Score	Why New Jersey Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (N.J. Rev. Stat. § 9:6-8.10a).
3. What is the ease of access to the information? 10 points out of a possible 20 points	New Jersey's policy is permissive . The department "may" disclose to the public the findings or information about a case of child abuse or neglect which has resulted in a child fatality or near fatality (N.J. Rev. Stat. § 9:6-8.10a(f)).
4. What is the scope of information authorized for release? 12 points out of a possible 20 points	New Jersey's policy has substantial breadth with a moderately restrictive substantive limitation . If there is an ongoing investigation, the department may release the name of child; the date of incident; the living arrangement of the child at the time of the incident; information on other possible child victims; the nature of incident; the status of involvement with the child prior to the incident; actions taken to protect the child; and the name of the office supervising case. If the investigation is closed and substantiated, the department may release the child's current medical condition or date of death; the child's current living situation; the details about the incident; whether it was determined that another child was abused as well; and the type of services provided by division, including referrals. A moderately restrictive substantive limitation authorizes information to be withheld if release is likely to endanger the emotional well-being of a child (Reg. 10:133G-4.4; 4.5; 4.6).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to N.J. Rev. Stat. § 9:6-8.43(b), proceedings are open but may be closed to the general public.
Total: 82 points	

New Mexico

Grade: F

Criteria / Score	Why New Mexico Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 30 points out of a possible 40 points	Yes, as to fatalities. No, as to near fatalities.
2. Is the state policy codified in statute? 7 points out of a possible 10 points	Yes, as to fatalities (N.M. Stat. Ann. § 32A-4-33). No, as to near fatalities.
3. What is the ease of access to the information? 4 points out of a possible 20 points	New Mexico's policy, which addresses deaths only, is permissive with moderately restrictive conditional language. When a child's death is allegedly caused by abuse or neglect, the department "may" release information about the case after consultation with and the consent of the district attorney (N.M. Stat. Ann. § 32A-4-33(E)).
4. What is the scope of information authorized for release? 7.5 points out of a possible 20 points	New Mexico's policy, which addresses deaths only, is vague and unclear. It authorizes the release of "information about the case" but provides no further specificity regarding what types of information will be disclosed (N.M. Stat. Ann. § 32A-4-33(E)).
5. Are child abuse/neglect proceedings open? 5 points out of a possible 10 points	Pursuant to N.M. Stat. Ann. § 32A-4-20(B)-(D), proceedings are closed except to necessary individuals, the media and persons approved by the court.
Total: 54 points <i>(rounded up from 53.5)</i>	

New York

Grade: B+

Criteria / Score	Why New York Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (NY CLS Soc Serv § 422-a).
3. What is the ease of access to the information? 12 points out of a possible 20 points	New York's policy regarding fatalities is mandatory with moderately conditional language. In the case of the death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency, or the death of a child for whom any local department of social services has an open child protective services or preventive services case, or in the case of a report made to the central register involving the death of a child, either the office of children and families services or the applicable fatality review team is required to prepare and issue a report, which shall be made available to the public (NY CLS Soc Serv § 20(5)). New York's policy regarding near fatalities is permissive. The commissioner or a city or county social services commissioner "may" disclose information regarding the abuse or maltreatment of a child, and the investigation thereof and any services related thereto, if the child named in the report has died or the report involves the near fatality of a child (NY CLS Soc Serv § 422-a(1)(d)).
4. What is the scope of information authorized for release? 16.75 points out of a possible 20 points	New York's policy regarding fatalities has substantial breadth. The report that is made available to the public must include the cause of the death, identification of child protective or other services provided or actions taken regarding the child and his/her family, any extraordinary or pertinent information concerning the circumstances of the child's death, whether the child or the child's family had received assistance, care, or services from the social services district prior to the child's death, any action or further investigation taken by the

	department or by the local social services district since the death of the child, and, as appropriate, recommendations for local or state administrative or policy changes (NY CLS Soc Serv § 20(5)(b)). New York’s policy regarding near fatalities has substantial breadth with a severely restrictive substantive limitation. The commissioner may disclose the name of child; the determination of the investigation and findings upon which the determination was based; CPS actions taken in response to reports; whether the child or family has received care or services prior to each report; and any extraordinary or pertinent info concerning circumstances of report (if the director determines release to be “consistent with public interest”) (NY CLS Soc Serv § 422-a(2)). A severely restrictive substantive limitation authorizes the information to be withheld if disclosure is contrary to the best interest of the child, the child’s siblings or other children in the household (NY CLS Soc Serv § 422-a(1)).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to N.Y. Fam. Ct. Act § 1043, proceedings are open, but may be closed to the general public. Interested parties are admitted.
Total: 89 points <i>(rounded up from 88.75)</i>	

North Carolina

Grade: C

Criteria / Score	Why North Carolina Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (N.C. Gen. Stat. § 7B-2902).
3. What is the ease of access to the information? 4 points out of a possible 20 points	North Carolina's policy is mandatory with severely restrictive conditional language . The public agency "shall" disclose to the public, upon request, the findings and information related to a child fatality or near fatality, if a person is criminally charged with having caused a child fatality or near fatality, or the district attorney has certified that a person would be charged with having caused the child fatality or near fatality but for that person's prior death (N.C. Gen. Stat. § 7B-2902(b)).
4. What is the scope of information authorized for release? 12 points out of a possible 20 points	North Carolina's policy has substantial breadth with a moderately restrictive substantive limitation . The written summary includes dates, outcomes, results of any actions taken or services rendered; the results of any review of child mortality panel or any public agency; the results of the investigations; a description of the conduct of the most recent investigation and services rendered and the basis for the department's decision (N.C. Gen. Stat. § 7B-2902(a)(2)). Provisions are silent as to release of the name of the child. A substantive limitation authorizes disclosure to be withheld if release is likely to cause mental harm (N.C. Gen. Stat. § 7B-2902(d)(2)).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to N.C. Gen. Stat. § 7B-801, proceedings are open. The court has discretion to determine whether proceedings shall be closed to the public. No hearing or part of a hearing shall be closed by the court if the juvenile requests that it remain open.
Total: 76 points	

North Dakota

Grade: F

Criteria / Score	Why North Dakota Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 30 points out of a possible 40 points	Yes, as to fatalities. No, as to near fatalities.
2. Is the state policy codified in statute? 7 points out of a possible 10 points	Yes, as to fatalities (N.D. Cent. Code § 50-25.1-04.1). No, as to near fatalities.
3. What is the ease of access to the information? 15 points out of a possible 20 points	North Dakota's policy, which pertains to fatalities only, is mandatory. The child protection team "shall" make available information reflecting the disposition of reports of institutional child abuse, neglect, or death resulting from abuse or neglect (N.D. Cent. Code § 50-25.1-04.1(2)).
4. What is the scope of information authorized for release? 4.5 points out of a possible 20 points	North Dakota's policy is vague and unclear, with a moderately restrictive substantive limitation. It authorizes the release of information but provides no further specificity regarding what type of information will be disclosed. A moderately restrictive substantive limitation limits the availability of information to cases of institutional child abuse or neglect, which means "situations of known or suspected child abuse or neglect when the institution responsible for the child's welfare is a residential child care facility, a treatment or care center for mentally retarded, a public or private residential educational facility, a maternity home, or any residential facility owned or managed by the state or a political subdivision of the state" (N.D. Cent. Code § 50-25.1-02(9)).
5. Are child abuse/neglect proceedings open? 2 points out of a possible 10 points	Pursuant to N.D. Cent. Code § 27-20-24(5), proceedings are closed except to necessary individuals.
Total: 59 points (<i>rounded up from 58.5</i>)	

Criteria / Score	Why Ohio Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 7 points out of a possible 10 points	No, Ohio's policy is not codified in statute, but is contained in regulation (Ohio Admin. Code, § 5101:2-33-21(D)(4)).
3. What is the ease of access to the information? 12 points out of a possible 20 points	Ohio's policy is mandatory with moderately restrictive conditional language . Upon obtaining the written authorization of its director, the public children's service agency "shall" promptly provide public disclosure of the findings or information about the case of child abuse or neglect which has resulted in either a child fatality or a near fatality that, as certified by a physician, places the child in serious or critical condition (Ohio Admin. Code, § 5101:2-33-21(D)(4)).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	Ohio's policy is vague and unclear . It authorizes the release of findings or information but provides no further specificity regarding what type of information will be disclosed (Ohio Admin. Code, § 5101:2-33-21(D)(4)).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Ohio Rev. Code Ann. § 2151.35(A)(1), proceedings are open. The court may exclude the general public if it holds a separate hearing to determine whether it is appropriate.
Total: 79 points	

Oklahoma

Grade: C+

Criteria / Score	Why Oklahoma Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (10 Okl. St. § 7005-1.9(B)).
3. What is the ease of access to the information? 4 points out of a possible 20 points	Oklahoma's policy is mandatory with severely restrictive conditional language . In cases involving the death or near death of a child, when a person responsible for the child has been charged by information or indictment with committing a crime resulting in the death or near death of the child, there shall be a presumption that the best interest of the public will be served by public disclosure of certain information concerning the circumstances of the investigation of the death or near death of the child and any other investigations within the last three years concerning that child, or other children while living in the same household (10 Okl. St. § 7005-1.9(B)).
4. What is the scope of information authorized for release? 20 points out of a possible 20 points	Oklahoma's policy has substantial breadth . The information that may be disclosed includes confirmation as to whether a report has been made and whether an investigation has begun; a summary of previous reports; dates and outcome of any investigations or actions taken by the department in response to previous reports; specific recommendation made to the district attorney and any subsequent action taken; dates of any judicial proceedings prior to death; recommendations submitted at judicial proceedings; and rulings of the court (10 Okl. St. § 7005-1.9(C)(1)). Provisions are silent as to the release of name of the child.
5. Are child abuse/neglect proceedings open? 3 points out of a possible 10 points	Pursuant to 10 Okla. St. § 7003-4.1, proceedings are closed except to necessary individuals. The judge may order the court to be opened to the public.
Total: 77 points	

Oregon

Grade: A–

Criteria / Score	Why Oregon Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (ORS § 419B.035).
3. What is the ease of access to the information? 20 points out of a possible 20 points	Oregon's policy is mandatory . The Department of Human Services "shall" make records available to any person, upon request, if the reports or records requested regard an incident in which a child, as the result of abuse, died or suffered serious physical injury (ORS § 419B.035(1)(h)).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	Oregon's policy is vague and unclear . It authorizes the release of "reports or records", but provides no further specificity regarding the type of information that will be released (ORS § 419B.035(1)(h)).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Or. Const. art. I, § 10, proceedings are open to the general public.
Total: 90 points	

Pennsylvania

Grade: F

Criteria / Score	Why Pennsylvania Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 0 points out of a possible 40 points	No.*
2. Is the state policy codified in statute? 0 points out of a possible 10 points	No.
3. What is the ease of access to the information? 0 points out of a possible 20 points	No policy on public disclosure was identified.
4. What is the scope of information authorized for release? 0 points out of a possible 20 points	No policy on public disclosure was identified.
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Pa. Const. Art. 1, § 11 “all courts shall be open.” A 2003 superior court decision held that “while there is a rebuttable constitutional presumption that juvenile dependency proceedings are open to the public, our courts possess an inherent power to control access to their proceedings and may deny access when appropriate. Once an interested party seeks access, however, the party seeking to keep the proceedings closed may rebut the presumption of openness by demonstrating that: (1) closure serves a compelling governmental interest, and (2) no less restrictive means to serve that interest exists” (<i>In the Interest of M.B.</i> , 2003 PA Super 76, 819 A.2d 59 (2003).
Total: 10 points	

* Although 23 Pa.C.S.A. § 6347 requires the Department of Public Welfare of the Commonwealth to prepare and transmit to the Governor and the General Assembly a quarterly report that includes a summary of the findings with nonidentifying information about each case of child abuse or neglect that has resulted in a child fatality or near fatality, the statute does not specifically authorize the release of such reports to the public.

Rhode Island

Grade: C–

Criteria / Score	Why Rhode Island Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (R.I. Gen. Laws § 42-72-8).
3. What is the ease of access to the information? 10 points out of a possible 20 points	Rhode Island's policy is permissive . The director may disclose the findings or other information about a case as the director deems necessary in a case of child abuse or neglect which has resulted in a child fatality or near fatality (R.I. Gen. Laws § 42-72-8(c)).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	Rhode Island's policy is vague and unclear . It authorizes the release of "findings or other information", but provides no further specificity regarding what type of information will be disclosed (R.I. Gen. Laws § 42-72-8(c)).
5. Are child abuse/neglect proceedings open? 2 points out of a possible 10 points	Pursuant to R.I. Gen. Laws § 14-1-30, proceedings are closed except to necessary individuals.
Total: 72 points	

South Carolina Grade: C

Criteria / Score	Why South Carolina Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (S.C. Code Ann. § 20-7-690(G) and (H) (the latter is applicable to deaths only).
3. What is the ease of access to the information? 10 points out of a possible 20 points	South Carolina's policy is permissive . The director "may" disclose to the media information contained in child protective services records (S.C. Code Ann. § 20-7-690(G) and "is authorized" to prepare and release reports of the results of the department's investigations into the deaths of children in its custody or receiving child welfare services at the time of death (arguably, such release would be to the public) (S.C. Code Ann. § 20-7-690(H)).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	South Carolina's policy is narrow . Disclosure is explicitly limited to discussion of the department's activities in handling the case including information placed in the public domain by other public officials, a criminal prosecution, the alleged perpetrator or the attorney for the alleged perpetrator, or other public judicial proceedings (S.C. Code Ann. § 20-7-690(G)). S.C. Code Ann. § 20-7-690(H) limits available information to the results of the department's investigations into the deaths of children in its custody or receiving child welfare services at the time of death.
5. Are child abuse/neglect proceedings open? 4 points out of a possible 10 points	Pursuant to S.C. Code Ann. § 20-7-755, proceedings are closed except to necessary individuals and persons interested in the work of the court. However, when and if challenged by the public or the press, the decision of a judge to close any proceeding must be supported by findings which explain the balancing of interests and the need for closure of the proceeding (<i>Ex parte Columbia Newspapers, Inc.</i> 286 S.C. 116, 118-19, 333 S.E. 2d 337, 338 (S.C. 1985)).
Total: 74 points	

* Although the statute is silent with regard to its scope, the South Carolina Department of Social Services contends that S.C. Code Ann. § 20-7-690(G) allows for disclosure in both fatality and near fatality situations.

South Dakota

Grade: F

Criteria / Score	Why South Dakota Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes
3. What is the ease of access to the information? 2 points out of a possible 20 points	South Dakota's policy is permissive with severely restrictive conditional language . The Department of Social Services "may" release information and findings to the media regarding the abuse or neglect of a child that resulted in a fatality or near fatality of the child, if the release of the information has been approved by the prosecutor who has commenced or who has authority to commence legal action, and if such disclosure has been authorized by the court (S.D. Codified Laws § 26-8A-13).
4. What is the scope of information authorized for release? 4.25 points out of a possible 20 points	South Dakota's policy has some breadth with a severely restrictive substantive limitation . Information to be released shall "relate to the acts of child abuse or neglect that caused the fatality or near fatality of the child", but provides that the identity of the child may never be released. A severely restrictive substantive limitation authorizes the Department to withhold information if disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household (S.D. Codified Laws § 26-8A-13).
5. Are child abuse/neglect proceedings open? 3 points out of a possible 10 points	Pursuant to S.D. Codified Laws § 26-7A-36, proceedings are closed unless the court finds a compelling reason to open the court to the public.
Total: 59 points <i>(rounded down from 59.25)</i>	

Tennessee

Grade: F

Criteria / Score	Why Tennessee Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 30 points out of a possible 40 points	Yes, as to fatalities.* No, as to near fatalities.
2. Is the state policy codified in statute? 0 points out of a possible 10 points	No.*
3. What is the ease of access to the information? 7 points out of a possible 20 points	Tennessee’s policy, which applies to cases of death only , does not indicate whether it is mandatory or permissive, so it is being graded as permissive .
4. What is the scope of information authorized for release? 7.5 points out of a possible 20 points	Tennessee’s policy, which applies to cases of death only , is vague and unclear . According to a Tennessee authority, the “director of communications provides disclosure on child fatalities when requested while withholding names and other identifying information unless it has already been made public. The known facts surrounding the death and information that is necessary to ensure public accountability for our agency is [sic] also released.”
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Proceedings are open unless the court rules otherwise (Tenn. Code Ann. § 37-1-124(a), Tenn. R. Juv. P. Rule 27).
Total: 55 points (rounded up from 54.5)	

* Tennessee authorities referred the authors to several sections of law, including Tenn. Code Ann. §§ 68-142-108(e), 37-1-612, and 37-5-107, and DCS Child Protective Services Policy Chapter 14.13; however, none of those provisions set forth a policy allowing public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality.

However, a Tennessee authority indicated to the authors that “[t]he Director of Communications provides disclosure on child fatalities when requested while withholding names and other identifying information unless it has already been made public. The known facts surrounding the death and information that is necessary to ensure public accountability for our agency is also released.” Although this language could not be located in any statutory, regulatory, or other official form, the authors are recognizing it as a policy worthy of receiving some credit. Formal adoption of this policy into statutory form would provide the public with predictable, consistent, and enforceable access to information it is entitled to receive pursuant to CAPTA.

Texas

Grade: C+

Criteria / Score	Why Texas Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 30 points out of a possible 40 points	Yes, as to fatalities.* No, as to near fatalities.
2. Is the state policy codified in statute? 7 points out of a possible 10 points	Yes, as to fatalities (Tex. Fam. Code § 264.503).* No, as to near fatalities.
3. What is the ease of access to the information? 15 points out of a possible 20 points	Texas' policy, regarding deaths only, is mandatory. The Child Fatality Committee "shall issue a report" for each preventable child death, and no later than April 1 of each year, "shall publish" a compilation of the reports published during the year, submit a copy of the compilation to the governor, lieutenant governor, speaker of the house of representatives, and department, and make the compilation available to the public (Tex. Fam. Code § 264.503(f)).
4. What is the scope of information authorized for release? 15 points out of a possible 20 points	Texas' policy, regarding deaths only, has substantial breadth. The report must include findings related to the child's death; recommendations on how to prevent similar deaths; and details surrounding the department's prior involvement with child. Provisions are silent as to the release of name of the child.
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Tex. Fam. Code Ann. § 105.003(b), proceedings are open to the general public. Proceedings are closed for children under the age of 14 unless the child's/public's interests are better served by opening them.
Total: 77 points	

* Although Texas does not have a policy specifically implementing the CAPTA requirement regarding public disclosure of findings or information on cases of child abuse or neglect that result in fatalities or near fatalities, it does require its child fatality review team to release certain information to the public; thus, points were provided based on the quality and availability of that public information.

Criteria / Score	Why Utah Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 0 points out of a possible 40 points	No.
2. Is the state policy codified in statute? 0 points out of a possible 10 points	No.
3. What is the ease of access to the information? 0 points out of a possible 20 points	No policy on public disclosure was identified.
4. What is the scope of information authorized for release? 0 points out of a possible 20 points	No policy on public disclosure was identified.
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Utah Code Ann. § 78-3a-115.1(2)(a), proceedings are open to the general public. The court may exclude individuals in the interest of the child.
Total: 10 points	

Vermont

Grade: F

Criteria / Score	Why Vermont Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 30 points out of a possible 40 points	Yes, for fatalities. No, as to near fatalities.
2. Is the state policy codified in statute? 7 points out of a possible 10 points	Yes, as to fatalities (33 V.S.A. § 306). No, as to near fatalities.
3. What is the ease of access to the information? 7 points out of a possible 20 points	Vermont's policy, regarding deaths only, is permissive. The commissioner "may" publicly disclose the findings or information about any case of child abuse or neglect that has resulted in the fatality of a child (33 V.S.A. § 306(c)).
4. What is the scope of information authorized for release? 7.5 points out of a possible 20 points	Vermont's policy, regarding deaths only, is vague and unclear. It authorizes the release of the "findings or information about any case of child abuse or neglect that has resulted in the fatality of a child", with no further specificity regarding the types of information that will be released (33 V.S.A. § 306(c)).
5. Are child abuse/neglect proceedings open? 2 points out of a possible 10 points	Pursuant to 33 V.S.A. § 5523(c), proceedings are closed except to necessary individuals. Persons interested in the work of the court may be admitted.
Total: 54 points (<i>rounded up from 53.5</i>)	

Criteria / Score	Why Virginia Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 7 points out of a possible 10 points	No, Virginia's policy is not codified in statute, but is contained in regulation (22 VAC 40-910-100).
3. What is the ease of access to the information? 10 points out of a possible 20 points	Virginia's policy is permissive. The public has a legitimate interest to limited information about child abuse or neglect cases that resulted in a child fatality or near fatality. Agencies "may" release specified information to the public (22 VAC 40-910-100(B)(3)(b)(2)).
4. What is the scope of information authorized for release? 12 points out of a possible 20 points	Virginia's policy has substantial breadth, with a moderately restrictive substantive limitation. Information that may be released includes the fact that a report was made; whether an investigation was initiated; results of completed investigations; whether previous reports were made and a summary of those previous reports; dates and outcome of any investigations or actions taken by agency in response to previous reports; and the agency's activities in handling the case (22 VAC 40-910-100(B)(3)(b)(2)(a)-(e)). Provisions are silent as to release of name of child. A substantive limitation allows disclosure to be withheld if release is likely to endanger the emotional well-being of a child.
5. Are child abuse/neglect proceedings open? 2 points out of a possible 10 points	Pursuant to Va. Code Ann. § 16.1-302, proceedings are closed. The general public shall be excluded and only such persons as the judge deems proper shall be admitted.
Total: 71 points	

Criteria / Score	Why Washington Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Rev. Code Wash. § 74.13.500).
3. What is the ease of access to the information? 16 points out of a possible 20 points	Washington’s policy regarding deaths is mandatory, and its policy regarding near deaths is mandatory with severely restrictive conditional language. The secretary “shall” disclose information regarding the abuse or neglect of a child, the investigation of the abuse, neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if the child named in the report has died and the child’s death resulted from abuse or neglect (Rev. Code Wash. § 74.13.500(1)(d)). For near fatalities, the secretary “shall” disclose information if one of the following factors is present: (a) the subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system; (b) the investigation of the abuse or neglect of the child by the department or the provision of services by the department has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court; (c) there has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report (Rev. Code Wash. § 74.13.500(1)(a)–(c)). Except for child fatalities, requests for information shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors set forth in (a)–(c) are present (Rev. Code Wash. § 74.13.500(3)).

4. What is the scope of information authorized for release? 7.25 points out of a possible 20 points	Washington’s policy has substantial breadth with a severely restrictive substantive limitation. It authorizes that disclosable information includes the name of the abused or neglected child; the determination made by the department of the referrals, if any, for abuse or neglect; identification of child protective or other services provided or actions, if any, taken regarding the child named in the report and his or her family as a result of any such report or reports (these records include but are not limited to administrative reports of fatality, fatality review reports, case files, inspection reports, and reports relating to social work practice issues); and any actions taken by the department in response to reports of abuse or neglect of the child. A severely restrictive substantive limitation provides that information may be withheld if the secretary “specifically determines the disclosure is contrary to the best interests of the child, the child’s siblings, or other children in the household” (Rev. Code Wash. § 74.13.500(2)).
5. Are child abuse/neglect proceedings open? 10 points out of a possible 10 points	Pursuant to Rev. Code Wash. § 13.34.115, all proceedings shall be public unless the judge determines that a public hearing is contrary to the best interests of the child.
Total: 83 points <i>(rounded down from 83.25)</i>	

West Virginia Grade: B–

Criteria / Score	Why West Virginia Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (W. Va. Code § 49-7-1).
3. What is the ease of access to the information? 20 points out of a possible 20 points	West Virginia's policy is mandatory . In the event of a child fatality or near fatality due to child abuse and neglect, information relating to such fatality or near fatality "shall be made public" by the department of health and human resources, as specified (W. Va. Code § 49-7-1(d)).
4. What is the scope of information authorized for release? 10 points out of a possible 20 points	West Virginia's policy is vague and unclear . It authorizes the release of information related to a fatality or near fatality, but provides no further specificity regarding what type of information will be disclosed (W. Va. Code § 49-7-1(d)).
5. Are child abuse/neglect proceedings open? 0 points out of a possible 10 points	Pursuant to W. Va. Fam. Ct. R. 8, proceedings are closed to the general public.
Total: 80 points	

Criteria / Score	Why Wisconsin Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 10 points out of a possible 10 points	Yes (Wis. Stat. § 48.981).
3. What is the ease of access to the information? 2 points out of a possible 20 points	Wisconsin's policy is permissive with severely restrictive conditional language. An agency "may" disclose to the general public a written summary of the information relating to any child who has died or been placed in serious or critical condition, as determined by a physician, as a result of any suspected abuse or neglect that has been reported if (1) a person has been charged with a crime for causing the death or serious or critical condition of the child as a result of the suspected abuse or neglect, or the district attorney indicates that a person who is deceased would have been charged with a crime for causing the death or serious or critical condition of the child as a result of the suspected abuse or neglect, but for the fact that the person is deceased; (2) a judge, district attorney, law enforcement officer, law enforcement agency or any other officer or agency whose official duties include the investigation or prosecution of crime has previously disclosed to the public, in the performance of the official duties of the officer or agency, that the suspected abuse or neglect of the child has been investigated or that child welfare services have been provided to the child or the child's family; or (3) a parent, guardian or legal custodian of the child or the child, if 14 years of age or over, has previously disclosed or authorized the disclosure of the information (Wis. Stat. § 48.981).

4. What is the scope of information authorized for release? 7.25 points out of a possible 20 points	Wisconsin's policy has substantial breadth, with multiple substantive limitations. The agency may disclose a description of any investigation made by agency in response to the report; a statement of determination made by agency and the basis for the determination; whether any services were offered or provided; whether any other action was taken by the agency; whether any previous reports were made to agency; and whether the child received any services prior to report of abuse. The agency may withhold the name of child if not "previously disclosed to the public." Multiple substantive limitations allow the agency to withhold information if release is contrary to the best interests of the child who is the subject of the report, the child's siblings or any other child residing in the same dwelling as the child who is the subject of the report, or if disclosure of the information is likely to cause mental or emotional harm or danger to the child who is the subject of the report, the child's siblings, any other child residing in the same dwelling as the child who is the subject of the report or any other person (Wis. Stat. § 48.981).
5. Are child abuse/neglect proceedings open? 6 points out of a possible 10 points	Pursuant to Wis. Stat. § 48.299(1)(a), the general public shall be excluded from proceedings unless a public hearing is demanded by the child through his counsel.
Total: 65 points <i>(rounded down from 65.25)</i>	

Wyoming

Grade: D+

Criteria / Score	Why Wyoming Received This Score
1. Is there a state policy regarding the public disclosure of findings or information about child abuse or neglect which has resulted in a child fatality or near fatality? 40 points out of a possible 40 points	Yes.
2. Is the state policy codified in statute? 3 points out of a possible 10 points	No, but Wyoming's policy is contained in Department of Family Services Rule 4469 and Department of Family Services Policy 3.19.
3. What is the ease of access to the information? 10 points out of a possible 20 points	Wyoming's policy appears to be permissive , providing that an annual report is to be submitted to the Department containing non-identifying information and recommendations regarding cases of all major injuries/fatalities appearing to have resulted from child abuse or neglect (Department of Family Services Rule 4469). Department policy to date has been to make these reports available to the public; however, no language mandating that release could be identified.
4. What is the scope of information authorized for release? 12 points out of a possible 20 points	Wyoming's policy has some breadth , providing information regarding the cause of the major injury or fatality, whether there was any prior involvement with the child protection system, subsequent actions taken by the authorities, and disposition of the investigation and judicial proceedings, where applicable.
5. Are child abuse/neglect proceedings open? 2 points out of a possible 10 points	Pursuant to Wyo. Stat. Ann. § 14-3-424(b), proceedings are closed except to necessary individuals and persons interested in the work of the court .
Total: 67 points	

Appendix A

Correspondent State Liaison Officers for Abuse and Neglect & Correspondent Child Death Review Team Members

Jurisdiction	Contact Person ¹
Alabama	• <u>Shirley Scanlan</u>, Dept. of Human Resources, sscanlan@dhr.state.al.us • Richard Burleson, Director Alabama Child Death Review, rburleson@adph.state.al.us
Alaska	• <u>Joanne Gibbens</u>, Department of Health & Social Services, joanne_gibbens@health.state.ak.us • Kathleen Hickman, Alaska Medical Examiner's Office, Kathleen_Hickman@health.state.ak.us
Arizona	• <u>Linda Johnson</u>, Admin. for Children, Youth & Families, lindajohnson@azdes.gov • Jamie Smith, Child Fatality Review Program Manager, smithja@azdhs.gov
Arkansas	• Wilma Tatum, Division of Children & Family Services, Wilma.J.Tatum@arkansas.gov • Max Snowden, Commission on Child Abuse, Rape & Domestic Violence Executive Director, Snowdenmaxd@uams.edu
California	• <u>Greg Rose</u>, Department of Social Services, greg.rose@dss.ca.gov • Mary Ault, Department of Social Services, 916.657.2614 • Craig Pierini, Attorney General's Office, craig.pierini@doj.ca.gov
Colorado	• <u>Shirley Mondragon</u>, Department of Human Services, Shirley.mondragon@state.co.us • Susan Ludwig, susan.ludwig@state.co.us • Rochelle Manchego, Child Fatality Prevention System Program Coordinator, Rochelle.manchego@state.co.us
Connecticut	• <u>Karl Kemper</u>, Department of Children & Families, karl.kemper@po.state.ct.us • Faith Vos Winkel, MSW, Assistant Child Advocate, Office of Child Advocate, faith.voswinkel@ct.gov
Delaware	• <u>Linda Shannon</u>, Department of Services for Children, Linda.Shannon@state.de.us • Anne Pedrick, Department of Services for Children, anne.pedrick@state.de.us, 302.255.1761
District of Columbia	• <u>Virginia Monteiro</u>, Children & Family Services Administration, Virginia.monteiro@dc.gov • Sharan D. James, Interim CFRC Coordinator, Office of the Chief Medical Examiner, sharan.james@dc.gov
Florida	• <u>John Harper</u>, Department of Children & Families, John_Harper@dcf.state.fl.us • Michael L. Haney, Ph.D., N.C.C., L.M.H.C, State Child Abuse Health Review Coordinator, Mike_Haney@doh.state.fl.us
Georgia	• <u>Martha Okafor</u>, Department of Human Resources (<i>no response</i>) • Eva Pattillo, Georgia Child Fatality Review, eva_p@bellsouth.net
Hawaii	• <u>Gibby Fukutomi</u>, Department of Human Services, gfukutomi@dhs.hawaii.gov • Susan Anderson, Child Death Review Nurse Coordinator, susan.anderson@fhhsd.health.state.hi.us
Idaho	• <u>Shirley Alexander</u>, Department of Health & Welfare, Alexande@dhw.idaho.gov
Illinois	• <u>Arlene Grant-Brown</u>, Department of Children & Family Services, Arlene.Grant-Brown@illinois.gov • Sherry Barr, Illinois Department of Children & Family Services, Child Death Review State Coordinator, Sherry.Barr@illinois.gov

¹An underlined name indicates the state liaison officer for abuse and neglect who received a copy of both the preliminary report card and the revised report for comment. A **bolded** name indicates the child death review team member who received a revised report card for comment. Those states in which the representatives did not respond to our requests for information, the grades are based on a thorough review of existing statutes.

Indiana	• <u>John Wood</u>, Department of Child Services, Deputy General Counsel, LJohn.Wood@dcs.in.gov • <u>Angela Green</u>, angela.green@dcs.in.gov • <u>James W. Payne</u>, james.payne@dcs.in.gov • Alison Cheney, Assistant Deputy Director, Field Operations, Indiana Department of Child Services, allison.chaney@dcs.in.gov, 317.234.4993
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Massachusetts	• <u>Liz Skinner-Reilly</u>, liz.skinner-reilly@state.ma.us (<i>no response</i>) • Holly Hackman, Bureau of Family & Community Health, holly.hackman@state.ma.us
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Minnesota	• Ruth Clinard, Department of Human Services, Ruth.A.Clinard@state.mn.us • <u>Susan Krinkie</u>, Department of Human Services, susan.krinkie@state.mn.us, 651.431.4697
Mississippi	• <u>Alicia Cole</u>, Department of Human Services (<i>no response</i>) • <u>Anita Bell Muhammad</u>, abell-muhammad@mdhs.state.ms.us (<i>only received revised copy</i>) • Stephanie Ivy, Mississippi State Department of Health, Infant Mortality Task Force, stephanie.ivy@msdh.state.ms.us
Missouri	• <u>Kathryn Sapp</u>, Department of Social Services, Kathryn.sapp@dss.mo.gov • <u>Bonnie Washeck</u>, Department of Social Services, bonnie.r.washeck@dss.mo.gov (<i>only received revised copy</i>) • Gus Kolilis, State Technical Assistance Team, Gus.H.Kolilis@dss.mo.gov
Montana	• <u>Jeni Leary</u>, Department of Public Health & Human Services, jeleary@mt.gov • <u>Brenda Wahler</u>, Department of Public Health & Human Services, bwahler@mt.gov • <u>Robin Suzor</u>, Department of Public Health & Human Services, 406.444.5903 • Julie Chaffee, R.N., Family & Community Health Bureau, DPHHS, 406.444.3394 • <u>Shirley Brown</u>, CFSD Division Administrator, shbrown@mt.gov • <u>Jon Ebert</u>, Public Information Office, jebelt@mt.gov
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Nevada	• <u>David Nason</u>, Division of Child & Family Services, DNASON@washoeconomy.us • <u>Michael J. Willden</u>, Director, Nevada Dep't of Health & Human Services, 775-684-4000, m.willden@dhhs.nv.gov • Barbara Legier, Division of Child and Family Services, blegier@dcfs.state.nv.us

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Rhode Island	• <u>Dorothy Hultine</u>, Department for Children, Youth, and Families, dorothy.hultine@dcyf.ri.gov • Tom Dwire, Thomas.dwyer@dcyf.ri.gov, 401-528-3543 • William H. Hollinshead, MD, MPH, Rhode Island Department of Health, Division of Community, Family Health and Equity, billh@doh.state.ri.us
South Carolina	• <u>Beth Williams</u>, Department of Social Services, bwilliams@dss.state.sc.us • Keisha Adams, Program Coordinator-Child Fatality, South Carolina Department of Health and Environmental Control, adamsks@dhec.sc.gov
South Dakota	• <u>Jaime Reiff</u>, Department of Social Services, jaime.reiff@state.sd.us, 605-773-3227 • Brad Randall, MD, Forensic Pathologist, fornsix@aol.com
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Wyoming	• <u>Maureen Clifton</u>, Department of Family Services, mclift@state.wy.us • Deborah Hibbard, 307.777.5479

Appendix B

Explanation of Grade Criteria

Criteria # 1: Is there a state policy on the public disclosure of information regarding a case of child abuse or neglect that results in death or near death?

Point Range: 0–40

Explanation:

DESCRIPTION OF POLICY	MAXIMUM POINTS
Policy covers death and near death	40
Policy covers death only	30
No identifiable policy	0

Criteria # 2: Is the state's policy on the release of information on cases of child deaths and near deaths resulting from abuse or neglect codified in statute, or is it contained in regulation or written (or oral) policy?

Point Range: 0–10

Explanation:

- 10 points maximum will be given if the state has a policy addressing cases of death and near death which is **codified in statute**, which provides permanency and enforceability.
- 7 points maximum will be given if the state has a policy addressing cases of death and near death which is contained in an **agency-adopted regulation**.
- 3 points maximum will be given if the state has a policy addressing cases of death and near death which is contained in an **agency policy or guideline**.

For policies addressing only cases of death, or where a state has different policies for cases of death and near death, the following point structure applies. Note that these scores may be cumulative (*e.g.*, a state that has a policy addressing cases of death that is codified in statute and a policy addressing cases of near death that is set forth in agency policy or guideline would receive a 7 + 1, for a total grade of 8 points).

DESCRIPTION OF POLICY	MAXIMUM POINTS		
	CODIFIED IN STATUTE	AGENCY-ADOPTED REGULATION	AGENCY POLICY OR GUIDELINE
Policy covers death and near death	10	7	3
Policy covers death only	7	5	2
Policy covers near death only	3	2	1
No identifiable policy	0		

Criteria # 3: What is the public’s ease of access to the information?

Point Range: 0–20

Explanation:

- 20 points maximum will be given if the state’s disclosure policy addresses cases of death and near death and clearly uses **mandatory** language (the state “shall” or “must” disclose).
- 10 points maximum will be given if the state’s disclosure policy addresses cases of death and near death and uses **permissive** language (the state “may” or “is permitted” to disclose).

Points are deducted from the above maximums where there is a condition placed on the release of the information (classified as either (1) a moderately restrictive condition or (2) a severely restrictive or multiple condition(s)).

For policies that address only cases of death, or where states have different policies for cases of death and near death, the following point structure applies. Note that these scores may be cumulative (*e.g.*, a state that has a mandatory policy with no conditions addressing cases of death and a permissive policy with no conditions addressing cases of near death would receive a 15 + 3, for a total grade of 18 points).

DESCRIPTION OF POLICY	MAXIMUM POINTS					
	Mandatory			Permissive		
Conditions?	None	Moderate	Severe or multiple	None	Moderate	Severe or multiple
Policy covers death and near death	20	12	4	10	6	2
Policy covers death only	15	9	3	7	4	1
Policy covers near death only	5	3	1	3	2	1
No identifiable policy	0					

Examples of moderately restrictive conditions:

- the requestor must petition a court or otherwise obtain court authorization or approval of disclosure request
- the child must have been subject of one or more reports of harm
- the agency must have had prior involvement with the child or the child’s family
- disclosure must be authorized by the district attorney or comparable official

Examples of severely restrictive conditions:

- the requestor must be able to specify the identity of the child
- criminal charges must be filed
- the death must first be a matter of public record
- the requestor must meet specified criteria, none of which is being a member of the general public
- the requestor must obtain both the approval of the prosecutor and court authorization

Criteria # 4: What is the scope of information that will be released?

Point Range: 0–20

Explanation:

- 20 points maximum will be given for a state policy that has **substantial breadth**. A state’s scope has substantial breadth if it is silent as to the release of the child’s name, but explicitly authorizes the release of other pertinent information (emphasis on circumstances of abuse or neglect), or if it explicitly authorizes the release of the child’s name under specified circumstances as well as other pertinent information (emphasis on circumstances of abuse or neglect), or if it prohibits the release of the child’s name but provides an extensive list of pertinent information (emphasis on circumstances of abuse or neglect).
- 12 points maximum will be given for a state policy that has **some breadth**. A state’s scope has some breadth if it authorizes the release of the child’s name but provides no further specificity; or if it withholds the child’s name but explicitly authorizes the release of other pertinent information (emphasis on circumstances of abuse or neglect).

- 10 points maximum will be given if a state policy is **narrow**. A state's scope is considered narrow if it explicitly limits release of pertinent information (emphasis on circumstances of abuse or neglect).
- 10 points maximum will be given if a state policy is **vague and unclear**. A state's policy is vague and unclear if it provides no specificity (*i.e.*, there is no clear indication of what type of information is released upon request), but also provides no explicit limitations on what will be disclosed.

Points are deducted from the above maximums where there is a substantive limitation on the information that will be released (classified as either (1) a moderately restrictive substantive limitation or (2) a severely restrictive or multiple substantive limitation(s)).

For policies that address only cases of death, or where states have different policies for cases of death and near death, the following point structure applies. Note that these scores may be cumulative (*e.g.*, a state that has a narrow policy with no substantive limitations addressing cases of death and a vague and unclear policy with no substantive limitations addressing cases of near death would receive a maximum of 7.5 + 2.5, for a total possible grade of 10 points).

DESCRIPTION OF POLICY	MAXIMUM POINTS								
	Substantial Breadth			Some Breadth			Narrow OR Vague and Unclear		
Substantive Limitations?	None	Moderate	Severe or Multiple	None	Moderate	Severe or Multiple	None	Moderate	Severe or Multiple
Policy covers death and near death	20	12	7.25	12	7.25	4.25	10	6	3.5
Policy covers death only	15	9	5.5	9	5.5	3.25	7.5	4.5	2.75
Policy covers near death only	5	3	1.75	3	1.75	1	2.5	1.5	0.75
No identifiable policy	0								

Examples of moderately restrictive substantive limitations:

- information disclosure of which is likely to result in an emotional or mental reaction
- information that is otherwise confidential, exempt, or privileged

Examples of severely restrictive substantive limitations:

- information disclosure of which would be contrary to the best interests of the child
- information disclosure of which would interfere with the privacy of the child, sibling, or parent
- information disclosure of which would jeopardize the well-being of a person named in the report if that concern outweighs the public's interest in the disclosure of that information
- information that contains no findings or information about specific cases of death or near death caused by abuse or neglect, and instead provides only system-wide recommendations

Criteria # 5: Are the state's dependency courts open or closed to the public?

Point Range: 0–10

Explanation:

- 10 points maximum will be given to a state having an open or presumably open dependency court system, which provides greater public access to information about the efficacy of the child welfare system.
- 6 points maximum will be given to a state if its dependency court is presumptively closed but subject to being opened to some extent under specified conditions
- 0 points will be given to a state with a closed dependency court system.

Appendix C

Child Welfare Resource List

Government Agencies and Private Organizations

Administration for Children & Families, U.S. Dep't of Health & Human Services — www.acf.hhs.gov/acf_about.html

American Bar Association Center on Children and the Law — <http://www.abanet.org/child/home.html>

American Professional Society on the Abuse of Children — <http://www.apsac.org>

American Public Human Services Association — <http://www.aphsa.org/Home/News.asp>

Chadwick Center For Children and Families — <http://www.ChadwickCenter.org>

Chapin Hall Center for Children — <http://www.chapinhall.org/>

Child Abuse Prevention Network — <http://www.child-abuse.com>

Child Welfare Information Gateway — www.childwelfare.gov/

Child Welfare League of America — <http://www.cwla.org/>

Childhelp® — <http://www.childhelp.org/>

Children's Advocacy Institute — www.caichildlaw.org

Children's Bureau — <http://www.acf.hhs.gov/programs/cb/>

Children's Bureau Express — <http://cbexpress.acf.hhs.gov/>

Children's Bureau: Child Maltreatment 2006 — <http://www.acf.hhs.gov/programs/cb/pubs/cm06/index.htm>

Children's Defense Fund — <http://www.childrensdefense.org>

Children's Safety Network — <http://cbexpress.acf.hhs.gov/>

First Star — www.firststar.org

Kempe Children's Center — <http://www.kempecenter.org>

National Association of Counsel for Children — www.naccchildlaw.org

National Center on Child Fatality Review — www.ican-ncfr.org/

National Center for Health Statistics — www.cdc.gov/nchs/

National Center for Injury Prevention and Control — www.cdc.gov/ncipc/

National Center for Youth Law — www.youthlaw.org

National Children's Advocacy Center — <http://www.nationalcac.org/>

National Citizen's Review Panels — www.uky.edu/SocialWork/crp/

National Foster Parent Association — <http://www.nfpainc.org>

National MCH Center for Death Review — www.childdeathreview.org

National Resource Center for Child Protective Services — <http://www.acf.hhs.gov/programs/cb/tta/nrccps.htm>

Prevent Child Abuse America — <http://www.preventchildabuse.org/>

Voices for America's Children — www.voices.org

Child Abuse Reporting Hotlines:

Childhelp National Child Abuse Hotline: 1-800-4-A-CHILD

The following are state hotline numbers and websites for specific agencies designated to receive and investigate reports of suspected child abuse and neglect.

Alabama: (334) 242-9500 / <http://www.dhr.state.al.us/page.asp?pageid=304>

Alaska: (800) 478-4444 / <http://www.hss.state.ak.us/ocs/default.htm>

Arizona: (888) SOS-CHILD (888-767-2445) / <https://www.azdes.gov/dcyf/cps/reporting.asp>

Arkansas: (800) 482-5964 / http://www.state.ar.us/dhs/chilnfam/child_protective_services.htm

California: Find hotlines for all 58 counties at <http://www.childsworld.ca.gov/res/pdf/CPSEmergNumbers.pdf>

Colorado: (303) 866-5932 / <http://www.cdhs.state.co.us/childwelfare/FAQ.htm>

Connecticut: (800) 624-5518 / (800) 842-2288 / <http://www.state.ct.us/dcf/HOTLINE.htm>

Delaware: (800) 292-9582 / <http://www.state.de.us/kids/>

District of Columbia: (202) 671-SAFE (202-671-7233) / <http://cfsa.dc.gov/cfsa/cwp/view.asp?a=3&q=520663&cfsaNav=|31319|>

Florida: (800) 96-ABUSE (800-962-2873) / <http://www.dcf.state.fl.us/abuse/>

Georgia: <http://dfcs.dhr.georgia.gov/portal/site> or call Childhelp® at (800) 422-4453

Hawaii: (808) 832-5300 / http://www.hawaii.gov/dhs/protection/social_services/child_welfare/

Idaho: (800) 926-2588 / <http://www.healthandwelfare.idaho.gov/site/3333/default.aspx>

Illinois: (800) 252-2873 / (217) 524-2606 / <http://www.state.il.us/dcf/child/index.shtml>

Indiana: (800) 800-5556 / <http://www.in.gov/dcs/protection/dfcchi.html>

Iowa: (800) 362-2178 / http://www.dhs.state.ia.us/dhs2005/dhs_homepage/children_family/abuse_reporting/child_abuse.html

Kansas: (800) 922-5330 / http://www.srskansas.org/services/child_protective_services.htm

Kentucky: (800) 752-6200 / <http://chfs.ky.gov/dcbs/dpp/childsafety.htm>

Louisiana: http://www.dss.state.la.us/departments/ocs/Reporting_Child_Abuse-Neglect.html or call Childhelp® at (800) 422-4453

Maine: (800) 963-9490 / (800) 452-1999 / <http://www.maine.gov/dhhs/bcfs/abusereporting.htm>

Maryland: <http://www.dhr.state.md.us/cps/report.htm> or call Childhelp® at (800) 422-4453

Massachusetts: (800) 792-5200 / http://mass.gov/?pageID=eohhs2terminal&L=5&L0=Home&L1=Consumer&L2=Family+Services&L3=Violence%2c+Abuse+or+Neglect&L4=Child+Abuse+and+Neglect&sid=Eeohhs2&b=terminalcontent&f=dss_c_can_reporting&csid=Eeohhs2

Michigan: http://www.michigan.gov/dhs/0,1607,7-124-5452_7119_7193-15252--,00.html or call Childhelp® at (800) 422-4453

Minnesota: http://www.dhs.state.mn.us/main/ideplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_000152 or call Childhelp® at (800) 422-4453

Mississippi: (800) 222-8000 / (601) 359-4991 / http://www.mdhs.state.ms.us/fcs_prot.html

Missouri: (800) 392-3738 / (573) 751-3448 / <http://www.dss.mo.gov/cd/rptcan.htm>

Montana: (866) 820-5437 / <http://www.dphhs.mt.gov/cfsd/index.shtml>

Nebraska: (800) 652-1999 / <http://www.hhs.state.ne.us/cha/chaindex.htm>

Nevada: (800) 992-5757 / http://dcfs.state.nv.us/DCFS_ReportSuspectedChildAbuse.htm

New Hampshire: (800) 894-5533 / (603) 271-6556 / <http://www.dhhs.state.nh.us/DHHS/BCP/default.htm>

New Jersey: (800) 835-5510 / (800) 835-5510 / (877) 652-2873 / <http://www.state.nj.us/dcf/abuse/how/>

New Mexico: (800) 797-3260 / (505) 841-6100 / <http://www.cyfd.org/report.htm>

New York: TDD: (800) 369-2437 / (800) 342-3720 / (518) 474-8740 / <http://www.ocfs.state.ny.us/main/cps/>

North Carolina: <http://www.dhhs.state.nc.us/dss/cps/index.htm> or call Childhelp® at (800) 422-4453

North Dakota: <http://www.nd.gov/dhs/services/childfamily/cps/#reporting> or call Childhelp® at (800) 422-4453

Ohio: <http://ifs.ohio.gov/county/cntydir.stm> or call Childhelp® at (800) 422-4453

Oklahoma: (800) 522-3511 / <http://www.okdhs.org/programsandservices/cps/default.htm>

Oregon: <http://www.oregon.gov/DHS/children/abuse/cps/report.shtml> or call Childhelp® at (800) 422-4453

Pennsylvania: (800) 932-0313 / <http://www.dpw.state.pa.us/ServicesPrograms/ChildWelfare/003671030.htm>

Rhode Island: (800) RI-CHILD (800-742-4453) / http://www.dcyf.ri.gov/child_welfare/index.php

South Carolina: (803) 898-7318 / <http://www.state.sc.us/dss/cps/index.html>

South Dakota: <http://dss.sd.gov/cps/protective/reporting.asp> or call Childhelp® (800) 422-4453

Tennessee: (877) 237-0004 / <http://state.tn.us/youth/childsafety.htm>

Texas: (800) 252-5400 / https://www.dfps.state.tx.us/Child_Protection/About_Child_Protective_Services/reportChildAbuse.asp

Utah: (800) 678-9399 / <http://www.hsdscfs.utah.gov>

Vermont: (800) 649-5285 / <http://www.dcf.state.vt.us/fsd/reporting/index.html>

Virginia: (800) 552-7096 / (804) 786-8536 / <http://www.dss.virginia.gov/family/cps/index.html>

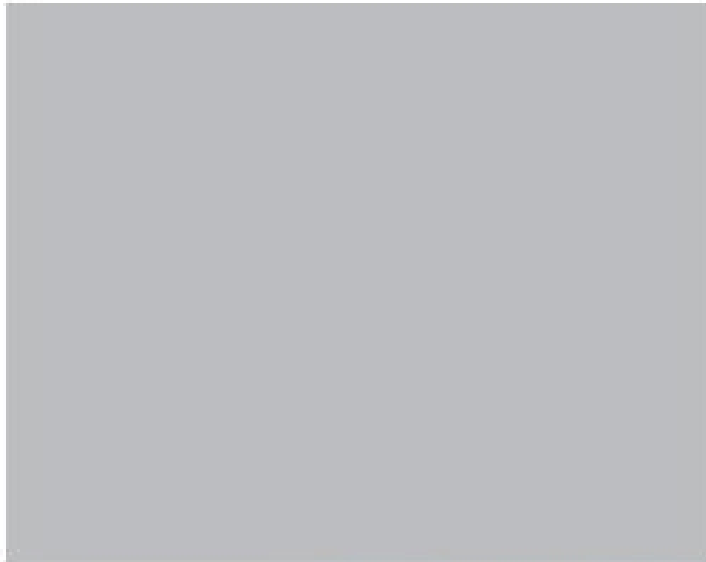
Washington: TTY: (800) 624-6186 / (866) END-HARM (866-363-4276) / After hours: (800) 562-5624 / <http://www1.dshs.wa.gov/ca/safety/abuseReport.asp?2>

West Virginia: (800) 352-6513 / http://www.wvdhhr.org/bcf/children_adult/cps/report.asp

Wisconsin: <http://www.dhfs.state.wi.us/Children/CPS/cpswimap.HTM> or call Childhelp® (800) 422-4453

Wyoming: <http://dfswweb.state.wy.us/menu.htm> or call Childhelp® (800) 422-4453

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