

**441—175.40 (235A) Retroactive reviews.** Review of child abuse information which is on the central abuse registry as of July 1, 1997, shall be performed using the requirements for child abuse cases to be placed on the central abuse registry as founded child abuse pursuant to Iowa Code Supplement subsections 232.71D(2) and (3). If the review indicates the information should not be placed on the central abuse registry, the information shall be expunged from the registry. The information shall be retained as a service record for five years from the date of intake. The time the report has been placed on the central abuse registry shall count toward the five years' total.

**175.40(1) Eligibility for retroactive reviews.** Eligibility for retroactive reviews is limited to reports which do not meet the criteria for placement in the central abuse registry as a case of founded child abuse specified in Iowa Code Supplement subsection 232.71D(3). The reports eligible for review are reports where the confirmed abuse involved one of the following circumstances:

- a. Physical abuse where the injury was minor and isolated and is unlikely to reoccur.
- b. Denial of critical care by failure to provide adequate clothing or failure to provide adequate supervision, where the risk to the child's health and welfare was minor and isolated and is unlikely to reoccur.

**175.40(2) Reviews initiated by subject.** Rescinded IAB 5/6/98, effective 7/1/98.

**175.40(3) Reviews initiated by department.** Reviews shall be performed when the department is reviewing a case for the purpose of one of the following:

- a. A record check evaluation is being completed for licensing, registration, or employment or residence in a child care facility. If the department worker completing the record check evaluation determines the case does not meet the criteria specified in Iowa Code subsection 232.71D(3) and, therefore, should be expunged from the central abuse registry, the department worker shall provide copies of the written report and Form 470-2310, Record Check Evaluation, to the bureau of protective services.

- (1) Within 30 days the bureau chief shall determine if the report is to be expunged from the central abuse registry and shall notify the service area manager or designee in writing of that decision and the time frame for retention or expungement of the report. The bureau chief or designee shall notify the person on whom the review was completed of the decision to expunge the case from the central abuse registry.

- (2) If the department determines that the case is to be expunged from the central abuse registry, no record check evaluation is necessary and the department shall notify the requester.

- (3) If the department determines that the case does meet the criteria for placement on the central abuse registry, the department shall proceed with the record check evaluation.

- b. Rescinded IAB 8/4/04, effective 7/9/04.