



Administrative Policies and Procedures: 14.13

DRAFT

Subject:	Confidentiality of Child Protective Services Cases Records
Authority:	TCA 37-1-401 et seq.; 37-1-601 et seq.; 37-5-105 (3); 37-5-106; 37-5-107
Standards:	None
Application:	All Department of Children's Services Employees

Policy Statement:

The Department of Children's Service (DCS) maintains Child Protection Services (CPS) case records, documents, forms, and other case related information in TFACTS in a confidential manner. All records and documents concerning reports of child abuse/neglect, including files, reports, records, communications and working documents, video tapes, reports made to the abuse registry and to local offices of the Department and all other records that are related to an investigation or for providing services shall be kept confidential to protect the rights of families and children or other persons involved in a CPS investigation.

Purpose:

To ensure that CPS records are maintained in TFACTS in an organized and confidential manner. To ensure confidentiality, DCS has identified certain agencies and professionals as having a legitimate need to know about information gathered during a CPS case. The Team Leader, in consultation with DCS Legal Counsel, will determine the information appropriate for release. CPS information must not be released except under the conditions described in the procedures outlined in this policy.

Procedures:

A. Case Record Composition	1. TFACTS is the official case record. All required forms, case recordings, and documents are maintained within TFACTS.	
	2. Any documents scanned into TFACTS are named using a naming standard before uploaded into TFACTS.	
	Client specific Document	Last name, First name – Date of Document-Name of Form (e.g. – <u>Doe, John – month/day/year – CS-0668, Authorization for Release of Information to DCS</u>)
Family Document	Case Reference Person Last Name – Date of Document – Name of Form (e.g. – <u>Doe, John – month/day/year – CS-0727, Initial Intake, Placement Referral and Checklist</u>)	

	<p>Note: Abbreviations are used to account for character limitations. The document name should allow staff to identify uploaded documents.</p> <p>3. Physical case files are only necessary when forms, documents, or other evidence cannot be loaded in TFACTS.</p> <ul style="list-style-type: none"> • The case manager notes in their closing case summary whether or not a physical case file was created and stored. If a physical case file was created: <ul style="list-style-type: none"> ○ The inside cover of the physical case file is reserved for the Records Disposition Authority (RDA) information to be recorded. ○ The physical case file is labeled on the tab portion of the folder with the mother's or primary caregiver's last name listed first separated by a comma followed by the mother's or primary caregiver's first name.
<p>BA. Release of CPS investigative information</p>	<ol style="list-style-type: none"> 1. CPS investigative information <u>may</u> be released to the following personnel: <ol style="list-style-type: none"> a) Employees or individuals responsible for supervising or administering the DCS Office of Child Safety; DCS Internal Affairs and all other DCS employees with a need to know; b) Contractor or providers involved in delivering services to the family; c) Professionals providing case consultation; d) Local state or federal law enforcement agencies investigating a report of known or suspected child abuse or crimes against children; and e) Any state licensing agency that licenses programs serving children that can provide a justification for a need-to-know. 2. Upon <u>consultation</u> and <u>approval</u> of DCS Legal Counsel, investigative information <u>may be shared</u> with other agencies, professionals and individuals that includes, but not limited to: <ol style="list-style-type: none"> a) Child's primary caretaker or parent with any custodial rights, b) Child Protective Investigation Team (CPIT), c) Foster Care Review Board (FCRB), d) Professionals who are providing treatment for the child, the perpetrator, or the non-offending parent, e) Teaching professionals or child care providers, f) District Attorney General or U.S. attorney (or authorized assistants) representing the judicial district involved in the case g) Court holding jurisdiction over a case, including divorce cases, h) Grand jury, by subpoena, i) Guardian ad litem assigned to the child,

	<ul style="list-style-type: none"> j) Other persons as ordered by the court, k) Other state or federal agencies investigating cases of child abuse or neglect, l) State and local Child Fatality Review Teams, m) Probation or parole officers preparing pre-sentencing or other court related reports or supervising probationers or parolees, n) Individuals, who are conducting scientific and governmental research on child abuse and neglect, provided that the Department has formally approved such research, <p>3. Release of information to perpetrators</p> <p>Certain limited information may be released to perpetrators as part of the notification of due process rights in classification hearings or for appeals of the classification findings as described in DCS Policy <u>14.11, Child Protective Services Due Process Rights and Reviews</u>.</p> <p>4. The release of confidential case file information must be in accordance with Federal and State laws, statutes, rules and regulations, DCS policies <u>9.4, Confidential Child-Specific Records Information</u>, <u>9.5, Access and Release of Confidential Child-Specific Information</u>, and DCS Health Insurance Portability and Accountability Act of 1996 (HIPAA) policies and procedures as applicable.</p>
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Forms:	<p><u>CS-0668, Authorization for Release of Information to DCS</u></p> <p><u>CS-0727, Initial Intake, Placement Referral and Checklist</u></p>
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Collateral Documents:	None
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