



**Policy: Release of Child Case File to Child, Child's Guardian Ad Litem, Child's Attorney, Child's Caregiver**

**ChildNet Number: CN 001.003**

**Original Approved Date: June 2, 2003**

**Policy Revised Date(s): December 2, 2009; September 19, 2007, June 16, 2010**

**Policy Sunset Date:**

**COA Standard(s): RPM 8.01, 8.02,**

**Statement of Policy:**

A child, a child's attorney, a child's guardian ad litem and the child's caregiver are entitled to the records pertaining to the individual child case file, as consistent with federal and state law. This policy sets forth provisions regarding the release of the child case file as relates solely to these specified individuals.

**Board Chair's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

10/29/10



## **Procedure: Release of Child Case File to Child, Child's Guardian Ad Litem, Child's Attorney, Child's Caregiver**

**ChildNet Number: CN 001.003**

**Original Approved Date: June 2, 2003**

**Procedure Revised Date(s): September 19, 2007; December 2, 2009; June 16, 2010, February 10, 2011, June 10, 2014**

**Procedure Sunset Date:**

**COA Standard(s): RPM 8.01, 8.02**

### **Definitions (If any):**

**Child Case File:** The file ChildNet creates and maintains in a complete and accurate manner during the course of protective supervision of a child's case while executing its case management responsibilities. This file may include, but is not limited to petitions, orders, predisposition reports, judicial review social studies, psychological reports, Child Protection Team reports, medical reports, and any other report or record.

**Caregiver:** For purposes of this policy, caregiver is limited to parents, legal custodians, permanent guardians, or foster parents; employees of a residential home, institution, facility, or agency at which the child resides; and other individuals legally responsible for a child's welfare in a residential setting.

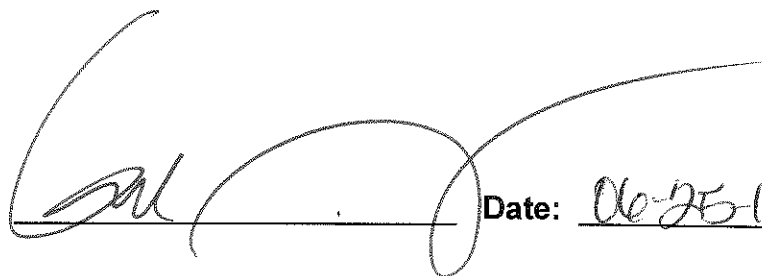
### **Statement of Procedure:**

- A. Upon receipt of a request for records from a child's case file directed to ChildNet by a child, a child's attorney, a child's guardian ad litem or child's caregiver, the person receiving the request is to obtain the requestor's name, relationship to the child, contact information, nature of the request, and any other pertinent information. The individual then is to contact the ChildNet Legal Department for review and a determination as to the proper individual/department within ChildNet to process and fulfill the request. The processing of the request includes, but is not limited to the review of the documents to assure that no statutory confidentiality provisions require that the requested documents be obtained directly from the originating source. Additionally, information which is private and confidential, as established by federal and state laws, will be redacted from the records. The child shall be notified of any request for records, including requests made by the child's representatives and caretakers as listed above. This notification shall be documented in the Statewide Automated Child Welfare Information System (SACWIS), if the SACWIS case is open, within 48 hours of the request for records.



- B. The ChildNet personnel processing the request is to contact the requestor directly within 7 business days to arrange for inspection or the delivery of the requested records or to inform the party when the documents will be available
- C. The requestor is to receive the first copy of the child case file records to which he is legally entitled access free of charge. A charge will be imposed for any additional copies. See also Policy and Procedure CN 001.007.
- D. Within 90 days after the child leaves the supervision of the Department of Children and Families, ChildNet is to provide written notice to the child's legal custodian or to the young adult previously in the department's custody as to how the records may be obtained.
- E. A child who leaves the custody of the Department of Children and Families by virtue of adoption remains entitled to the child case file. However, this access may not occur until after the child reaches the age of majority (eighteen years of age), unless the child has had the disability of non-age removed and provides a certified copy of the related order or the legal parent of the child makes a written, notarized request for the release of these records. These records must be reviewed and redacted to maintain the confidentiality of those items required to remain confidential as required by law.
- F. Care, concern, and sensitivity should guide sharing of records with children. Staff must be aware that some records could be disturbing to the child and be prepared to appropriately respond to the child's reaction. With consideration of a child's maturity and chronological age, it is recommended that the record sharing take place during a face-to-face meeting with the child and with an adult the child knows and trusts. In no case should a record simply be handed over to the child without the above efforts being made.

President's Signature:

 Date: 06-25-14