


Subject: Records Retention: Case, Medical, and Administrative		FACS Policy number: PO 19-01
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Programs Affected: Child and Family Services, Developmental Disabilities, Infant Toddler, and Navigation		
Policy Approved by: Division Administrator		

BACKGROUND

With the implementation of the 2003 Privacy and Confidentiality practices, development of a policy regarding records retention for the Division of Family and Community Services has become essential.

PURPOSE

The purpose of this policy is to provide a standard guideline for records retention for all Family and Community Services (FACS) Division community programs and institution, reduce the cost of unnecessary storage, and to increase the ease of locating necessary information.

DEFINITIONS

Administrative Records: Administrative records include grants records, licensure and certification records, contracts, provider agreements and records that reflect administrative functions such as meeting agendas and minutes, responses to complaints, and policies and procedures.

Case/Medical Record: Electronic and hard copy compilation of all documentation, including but not limited to audio and video tapes, legal documents, identifying information, evaluations relating to, and services delivered to an individual or family.

Institutional Medical Records: Electronic and hard copy compilation of all documentation including but not limited to audio and video tapes, legal documents, identifying information, and evaluations relating to the care and treatment of a patient.

License: A document evidencing a right or permission, granted to an individual/organization by a competent authority to engage in some transaction or to do some act

Purge: To remove and discard all or a portion of a record.

ADDITIONAL DEFINITIONS FOR CFS PROGRAM:

Electronic File: A electronic file is an individual/family file containing information from two primary sources. First it includes all information such as case narratives, assessments, plans and other information on the individual/family in the SACWIS/CCWIS database and all uploaded documents, audio, and pictures found in to the electronic document storage record known as the CFS eCabinet.

Permanent Case Record: A Permanent case record is an individual/family case file which is retained permanently after case closure due to federal and state regulations, laws, and rules. The permanent file includes: all case documents, CFS assessments, plans, notes and other information in the agency SACWIS/CCWIS database; all scanned and uploaded documents, audio, and pictures contained in the CFS eCabinet; and all retained documents in the physical file, as applicable.

Physical Files: A physical file is an individual/family file containing only original or certified copies of court orders, birth certificates, social security cards, medical cards, and Lifebook items which include letters from parents/family members to child(ren), original photographs, or other memorable items.

POLICY

It is the policy of the Division of Family and Community Services that case and administrative records shall be retained for five (5) years following a case closure. When no activity has occurred in the case during the 5 years, the file is to be destroyed. However, each program in FACS has exceptions. Therefore, please review the specific program instructions below that address retention and purging of records.

I. CHILD AND FAMILY SERVICES RECORDS

A. CFS Individual and Family Case Files:

CFS is required to maintain an electronic file and physical file, if one exists, containing information on each family receiving services. The CFS eCabinet and SACWIS/CCWIS database are the primary method of storage of cases records. On certain cases requiring the gathering of specific documents as defined above then a physical file will also be maintained.

1. **Electronic Files:** All case documents, including original and certified documents, signed letters and agreements, audio/video recordings and photographs, which are not generated in the SACWIS/CCWIS database must be scanned and/or uploaded in the CFS eCabinet with the exception of the following:
 - Criminal history rap sheets known as NCIC or Codex and
 - Email Communication

Note: In general, email communication should not be cut and pasted into SACWIS/CCWZ⁵ or maintained in the physical hard file or electronic file. Exceptions to this may include: Central Intake when receiving a report of maltreatment via email or when a Program Manager or Chief has instructed a worker to keep specific external emails which may, in their entirety, be needed for documentation purposes. If a worker exchanges electronic information with another individual that they believe is important to document, the worker can summarize the information in the monthly narrative or contact note.

For closed cases, except as listed in Section B below, the electronic file may be, but is not required to be, destroyed when there has been no activity for five (5) years.

- 2. Physical files:** A physical file will only be created and maintained on cases where the gathering of certified or original court orders, birth certificates, social security cards, medical cards, and Lifebook items which include letters from parents/family members to child(ren), original photographs, or other memorable items would be necessary or required to provide services to the individual or family. Administrative copies of the above items are not to be maintained or kept in the physical file.

Upon case closure the certified and original copies of birth certificates, social security cards, medical cards, and Lifebook items which include letters from parents/family members to child(ren), original photographs, or other memorable items shall be returned to the most appropriate individual based on cases circumstances. For example, when a child reunifies with a parent those items should be given to the parent. The only remaining items in a closed physical file would be certified or original court documents, if applicable. For closed cases, except as listed in Section B below, the physical file shall be destroyed when there has been no activity for five (5) years.

B. Files for Permanent Retention:

- 1. Adoption Case Records:** Children's adoption records include records of private agency adoptions, private/independent adoptions, relative adoptions when the Department has received a petition and request to either complete or assign an Adoption Finalization Report to the Court, and Interstate Compact on the Placement of Children (ICPC) cases where the child's adoption occurs in the state of Idaho. All case records in the electronic and physical files pertaining to the child shall be kept permanently. After the court finalizes a child's adoption, regional offices shall send the physical case file pertaining to the child (private and public) to Idaho State Historical Society: State Record Center for permanent storage in the state data base. An electronic copy of the adoptive family home study should also be added to the child's CFS eCabinet electronic record.
- 2. Child Protection Central Registry Case Records:** All names placed on the Child Protection Central Registry shall remain permanently as part of the electronic registry unless:

- A review by the Regional Program Manager finds the case evidence does not meet the criteria of a “Substantiated” or “Valid” disposition;
 - An Administrative Review Hearing or an Exemption Review Hearing overturns the disposition; or
 - An individual successfully petitions to have his/her name removed according to the procedures found in IDAPA 16.06.01.566.
3. **Guardianship Case Records:** All case records in the electronic and physical files regarding a child who has been placed in the Department’s guardianship, and not adopted, shall be maintained permanently. This includes both children for whom another legal guardian is appointed and children who remain in the Department’s guardianship until they turn 18 years of age. Files shall be sent to Idaho State Historical Society: State Records Center as soon as the child emancipates from Department guardianship or when the court appoints a different legal guardian for the child.
 4. **Indian Child Case Records:** All associated records in the electronic and physical file for any Indian child subject to ICWA is kept permanently and made available for review by: (1) the Secretary of the Interior for evidence of compliance by ICWA or (2) the Indian child, having reached the age of 18, for information regarding his/her tribal affiliation or other information necessary to protect any rights flowing from the individual’s tribal relationship (IDAPA 16.06.01.884).
 5. **Removal Case Records:** All associated records in the electronic and physical file for any case with a removal episode per AFCARS requirements shall be retained permanently.
 6. **Substantiated or Valid Disposition Case Records:** all associated records in the electronic and physical file for any case which has been dispositioned as substantiated or valid shall be retained permanently to serve as information for Administrative or Exemption Hearings.

C. Manner of Record Destruction for Child and Family Services:

1. **Physical File Case Records:** After the retention periods specified above, CFS shall destroy physical records in a method consistent with the confidential nature of the record.

II. DEVELOPMENTAL DISABILITIES RECORDS

A. Developmental Disabilities Commitment Records: Records of court-ordered commitment evaluations, commitment orders and annual court reports on commitments shall be retained for five (5) years past the death of the committed person or termination of the commitment and then destroyed.

B. Developmental Disabilities Guardianship Records: Records of developmental disabilities guardianships including evaluations, recommendations to the court and court-

appointment of guardians shall be retained for five (5) years past the death of the ward or termination of the guardianship and then destroyed.

C. Interstate Compact on the Placement of Adults with Mental Illness and/or Developmental Disabilities: Case records of clients who are committed to the custody of the Attorney General of the Federal Bureau of Prisons through the Interstate Compact on the Placement of Adults with Mental Illness and/or Developmental Disabilities shall be maintained as long as the client is in the Federal Bureau of Prisons custody. Other case records regarding Interstate Compact on the Placement of Adults with Mental Illness and/or Developmental Disabilities shall be destroyed after the case is closed and has no activity for five (5) years.

D. Manner of Record Destruction for Developmental Disabilities:

- **Case Records:** After the retention periods specified above, programs shall destroy records by burning or shredding in keeping with the confidential nature of their contents.
- **Audio/Visual Records:** After the retention period has been met, audio/visual records shall be destroyed by a business that specializes in secure confidential full-service data destruction. This requirement can also be met if a region has access to a machine that meets secure destruction specifications such as a disintegrator, grinder, or audio/visual shredder.

III. INFANT TODDLER RECORDS

A. Infant/Toddler Records: Parents or guardians of the child who was enrolled in the Infant Toddler Program must be given written notice at exit from early intervention services that in six years from Program exit, the child's records, including any audio/visual materials, will be destroyed. Families will be given an opportunity to request a copy of existing records as a part of Program exit activities and will be informed that no additional notice will be provided prior to destruction of the child's records. Prior to providing families their child's records, they will be reviewed and if they contain any restricted child protection information, the record will be redacted as necessary and according to the policies of the Division of Family and Community Services. Records for Infant Toddler Program participants shall be destroyed after the case is closed and has no activity for six (6) years.

B. Manner of Record Destruction for Infant Toddler:

- **Case Records:** After the retention periods specified above, programs shall destroy records by burning or shredding in keeping with the confidential nature of their contents.
- **Electronic Records:** Electronic Record will not be destroyed but will be maintained as archived records within the ITP Web system.
- **Audio/Visual Records:** After the retention period has been met, audio/visual records shall be destroyed by the Department or a contracted entity that specializes in secure confidential full-service data destruction. This requirement can be met if a region has access to a machine that meets secure destruction specifications such as a disintegrator,

grinder, or audio/visual shredder.

IV. NAVIGATION SERVICES

A. Information regarding a family's use of Emergency Assistance and/or Navigation Services (such as Career Enhancement, Kin Care funds) record (both electronic and hard copy) shall be destroyed after five (5) years with no activity

B. Manner of Record Destruction for Navigation:

- **Case Records:** After the retention periods specified above, programs shall destroy records by burning or shredding in keeping with the confidential nature of their contents.
- **Audio/Visual Records:** After the retention period has been met, audio/visual records shall be destroyed by a business that specializes in secure confidential full-service data destruction. This requirement can also be met if a region has access to a machine that meets secure destruction specifications such as a disintegrator, grinder, or audio/visual shredder.

V. ADMINISTRATIVE RECORDS

A. Documents pertaining to the application process and licensing history of organizations regulated by IDAPA 16.06.02 Rules Governing Child Care Licensing. Child care licensing records including Children's Residential Care Facilities; Children's Agencies; Children's Therapeutic Outdoor Programs, **Foster Care**, and Day Care. Records may include, but are not limited to, license and certificate records, applications, inspection reports, background investigations, staff résumés, reports, lists of licensed establishments, and related correspondence and documentation.

B. Documents of complaints brought against Day Cares, Children's Residential Care Facilities; Children's Agencies; Children's Therapeutic Outdoor Programs alleging violation of laws and/or administrative rules that govern operation of the program. Records may include but are not limited to correspondence; description of complaint; case files; legal notices and orders; hearing records; audio recordings and transcripts; license and certificate records; exhibits; investigative reports; working notes and files; investigation committee records, minutes, and agendas; and related correspondence and documentation.

Consistent with other FACS records, administrative records shall be kept for five (5) years after a case is closed and has no activity and then destroyed.

C. Manner of Record Destruction for Child Care Licensing:

- **Case Records:** After the five (5) year retention period when there has been no case related activity recorded for the person after the case is closed, programs shall destroy records by burning or shredding in keeping with the confidential nature of their contents.
- **Audio/Visual Records:** After five (5) years when there has been no case related activity

recorded for the person after the case is closed, audio/visual and electronic records shall be destroyed by a business that specializes in secure confidential full-service data destruction. This requirement can also be met if a region has access to a machine that meets secure destruction specifications such as a disintegrator, grinder, or audio/visual shredder.

- **Electronic files:** All electronic information shall be deleted when a person has been in the electronic system for five (5) years when there has been no case related activity recorded for the person.

VI. SOUTHWEST IDAHO TREATMENT CENTER (formerly Idaho State School and Hospital)

Institutional Medical Records: FACS institution, Southwest Treatment Center, shall maintain a separate policy for institutional records. After purging the record, the institution shall maintain the remaining permanent record in whatever media form they choose, with the institution bearing the financial cost of their choice of storage media. The institution shall outline in their policy and procedures how they will maintain their permanent medical records following purging.

VII. PROCEDURE

A. Authorization for Purging or Destroying Records. A program manager, field office supervisor or a designee shall authorize destruction or deletion of case records for programs.

B. Schedule for Destroying Records. Records shall be destroyed according to an established schedule. No record or partial record shall be destroyed out of the order of the established schedule.

C. List of Destroyed, Deleted or Purged Records. DHW programs and State institutions shall maintain a list of case and institutional medical records which have been purged, destroyed or deleted and the dates they were purged, destroyed or deleted.

VIII. OUTCOMES AND MONITORING

DHW programs and State institutions shall monitor records retention practices periodically as part of existing ongoing program and institutional reviews. This policy will be re-evaluated annually for the first three (3) years following its implementation and as needed thereafter.

IX. REFERENCES

Applicable statutes, rules, other policy, DHW Strategic Plan Goal:
DHW Strategic Plan Goal 5: Objective 4 – Technology: Implement business systems that provide the proper level of information at the proper level of the organization and are aligned with business goals.

CHILD WELFARE – Rules Governing Family and Children’s Services 16-1601.561-16-1601.566
Central Registry; 16-1602.060 Family Case Record; Indian Child Welfare Act 245-U.S.C.
1912(c), 1915(e), 1917, 1951; Children’s Mental Health; Adoption; Guardianship;

INFANT TODDLER PROGRAM – Federal Educational Rights and Privacy Act,
34CFR99.

INTERSTATE COMPACT ON ADULTS WITH MENTAL ILLNESS AND/OR
DEVELOPMENTAL DISABILITIES – 18 U.S.C § 4243 and 18 U.S.C. § 4246.

MEDICAL RECORDS - Rules and Minimum Standards for Hospitals in Idaho 16-
0314.360.03,.07, 12; Idaho Code 39-1394 Patient Care Records

PUBLIC RECORDS – Use and Disclosure of Department Records 12.05.01