

## Child and Family Services Policy Manual: Confidentiality, HIPAA and Case Records Case Record Contents and Requirements

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### Introduction

Records are indispensable in the efficient and economical operation of state government. They serve as the memory -- the evidence of past events and the basis for future actions. When created, maintained and disposed of in a systematic and orderly fashion, records are a tremendous asset. However when records are created, maintained and disposed of in a haphazard and disorderly manner, they reduce the effectiveness of an organization and increase its costs substantially.

The purpose of this manual section is to provide the basic principles with which a workable and economical records management program can be initiated and maintained. This section sets forth the contents and requirements related to the maintenance of efficient, complete, and accurate case records.

**Records Management** means the systematic application of efficient methods to manage the creation, utilization, maintenance, retention, disposal and preservation of records. Records management, as a program, is essentially one of:

- determining ways and means of organizing and controlling the vast quantities of records used today so they are free of nonessentials;
- assuring records are readily accessible when needed;
- adequately preserving records if they have permanent retention value; and
- assuring records are destroyed when they have served their purpose.

### Paper Case Record Contents

*General* and *Individual* files must be either a 6-sided file or an accordion file. Each general and individual file must include the *Index Grids* below and information indicated in each grid:

#### **General File**

Investigations  
Case Notes/Recordings  
Family Group Decision Making (FGDM) Documentation  
Kinship  
Correspondence

#### **Individual Files**

## Child and Family Services Policy Manual: Confidentiality, HIPAA and Case Records Case Record Contents and Requirements

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Eligibility  
 Permanency  
 Reports/Evaluations  
 Services and Payments  
 Personal Information  
 Interstate Compact on the Placement of Children (ICPC)  
 Case Plan  
 Indian Child Welfare Act (ICWA)

### **General OR Individual File**

Legal –depending on whether the local office receives separate court orders specific to each child/individual (individual file) or court orders that include the entire family (general file).

SEE updated **Grids** with specific documents listed within the General and Individual Files (**in Outlook/All Public Folders/HHS/Forms/CFSD/ORGANIZATION FORMS & CHECKLISTS**).

### **Case Notes Requirements**

Case notes provide a chronological record of the delivery of services to children and their families. These notes also provide the necessary documentation to support case decisions.

### **Activity Detail Screen**

The Activity Detail Screen (ACTD) will be used to record all significant case contact and activities. Significant case contact is defined as any contact that impacts the direction of a child protective services case.

### **Updating the Case Record**

CFSD staff shall take reasonable steps to ensure documentation in records is accurate, timely, and reflects the services provided.

**Contacts and Activities shall be documented on ACTD as they occur and not later than 14 days after they occur.** Entries on ACTD should be entered by case name, which is mother's name, the caregiver the child was removed from if no mother is involved or the individual child if termination has occurred. You may use the F10 key at any time to copy Activity Detail records to any Client.

Case notes will be current and focus on the plan of services for the child and family. Case notes are an objective, non-judgmental summary description of the nature and content of the contact, and actions taken as a result of the contact.

Assessment, Case Planning, Monitoring and Referral information should be included in the Case Recording System on the Activity

## Child and Family Services Policy Manual: Confidentiality, HIPAA and Case Records Case Record Contents and Requirements

---

Detail Screen. Any time a decision is made that impacts the Child Protective Services Case the decision should be recorded on the Activity Detail Screen as a **Decision Point**.

### Minimal Recording Requirements

The following are considered to be the minimal recording requirements:

#### Reports:

Reports received must be recorded by Centralized Intake in accordance with the procedures outlined in the Centralized Intake Procedure Manual.

#### Investigations:

Activities related to safety and investigations regarding the assessment of safety issues that shall be documented include:

- An investigative safety assessment must be completed and the completed assessment must be uploaded into Doc Gen (documentation must include an investigation into **all** of the allegations made in the report). Furthermore, in the investigative safety assessment, the following must be documented:
  - That face to face contact with the child took place and record the contents of the contact
  - That face to face contact with all of the parents named in the report took place and the contents of the contact
  - If a home visit took place it must be recorded and record the contents of the home visit if one occurred
  - All contact with collateral contacts or the reporter if such contact occurred and the contents of the contact
  - Observations relevant to the child's safety with the parent or child's current placement
  - That all investigatory requirements under Policy Sections 202-3 and 202-4 have been completed
  - The receipt of any addendums to reports and how they have been addressed also must be included in the Investigative Safety Assessment
- The determination regarding whether to substantiate on a report must be documented on RRD1
- New allegations received during an investigation must be documented on RRD2 when addendums to a report exist

#### Clients/Ongoing Cases:

*Note: Many of these issues pertain to well-being of the parents and/or child(ren) and shall be documented on the*

## Child and Family Services Policy Manual: Confidentiality, HIPAA and Case Records Case Record Contents and Requirements

---

*MDTD (medication/treatment detail) screen, the SPND (special needs detail) screen and the MMHD (medical/mental health detail) screen. These screens will indicate that the child medical and mental health or other special needs are being assessed and what treatment is taking place and document all relevant appointments. Included will be preventive health, (EPSDT), dental care, therapy sessions attended, and immunizations. Also included must be any medications prescribed to the child, changes in medications, mental health diagnoses, and changes in mental health diagnoses.*

Activities related to clients/ongoing cases that shall be recorded on ACTD will include:

- efforts to keep child in own home including if in-home services are provided
- if a voluntary protective service agreement is signed this must be noted in ACTD, and the signed agreement should be uploaded to Doc Gen
- efforts to reunite child with parent removed from
- efforts to search and place the child with kin or relatives
- efforts to locate and communicate with kin or relatives (even if not related to placement of child)
- all contact with the child (including one to one visits outside of the foster home or other placement)
- all efforts to engage and involve the parent/guardian (including all contacts with the parent/guardian)
- involvement of parent/guardian in the creation of a treatment plan
- efforts to place siblings together or sibling visitation
- all visitation between the parent/guardian and the child or why such visitation is not in the best interests of the child (should include frequency, location, whether visitation is supervised or unsupervised and why, and content of visitation)
- permanency goals and changes in permanency goals (these goals must be kept current of the IARL screen and must be explained if they appear to be the same goal)
- effort to establish concurrent plan
- why a particular placement was chosen
- document placement stability, “the child is thriving and the family enjoys his presence”
- document efforts to stabilize a placement (placement stability plan may be referenced)

## Child and Family Services Policy Manual: Confidentiality, HIPAA and Case Records Case Record Contents and Requirements

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- reasons for moving a child from one placement to another
- efforts to prevent the change in placement
- whether change in placement was necessitated for reasons related to helping the child meet the goals of the case plan.
- decisions to terminate parental rights
- efforts to place child adoptively i.e. circulation posting on website
- referral and progress toward independent living or foster care independent living program
- document all transitional living services offered and/or provided
- contacts to/from the child's therapist giving the child protection specialist an update on progress
- contacts to/from foster parent giving progress report
- contacts regarding progress in school
- contacts to/from the parent's therapist or service providers giving the child protection specialist an update on progress
- contacts from medical providers and/or when permission to treat a child is given
- contact with law enforcement

### **Decision points:**

All decision points in a case must be clearly documented in the case record. Decision points include, but are not limited to: Receipt of Reports, Determination regarding substantiation, Removal, Change in Placement, Change in Visitation Plan, Permanency Plan Decisions, New Referral, Reunification, Termination of Parental Rights, or Case Closure.

**Permanency Staffing:** To be entered by PPS

**Supervisory review:** To be entered by supervisor, or child protection specialist

**FGDM:** To be entered by FGDM facilitator

**FIM:** To be entered by CPS or FIM facilitator

**Youth Centered Meeting:** To be entered by CPS or meeting facilitator

Document complaints and informal efforts to resolve client/ family member complaints– **may be entered by child protection specialist, supervisor, regional administrator or division**

## Child and Family Services Policy Manual: Confidentiality, HIPAA and Case Records Case Record Contents and Requirements

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**administrator.**

### **ELECTRONIC CASE RECORDS**

#### **Child and Adult Protective Services System**

The Child and Adult Protective Services (CAPS) system is utilized by the Division to electronically collect and store data regarding clients for case management purposes (e.g., child abuse/neglect reports/referrals, client services, service providers) and to maintain information pertaining to licensure of foster care providers (e.g., regular foster homes, specialized foster homes).

Upon receiving a child abuse or neglect report, the information is entered into the CAPS system on the CID1 screen and CAPS automatically assigns a unique number to the report. While the majority of the direct services within CPS case information are on-line in the CAPS system, it is also necessary to maintain the paper case file.

**All case records are confidential. Preserving the confidentiality of Department information regarding an applicant or recipient is a serious matter.**

**Safeguarding confidentiality is the responsibility of each staff person employed by the Department. No staff member shall disclose any requested information without following the procedures set forth in Section 502-3.**

Neither employees nor contractors shall access information on persons in CAPS unless there is a work-related reason to do so. Work-related reasons are those that allow the employee to conduct the responsibilities of their work assignments based on a "need to know." "Need to know" relates to the employee's or contractor's job-related activities as defined in the position description. Employees and contractors are prohibited from accessing CAPS information for any non work-related reason This includes accessing information pertaining to oneself, another employee, or a non-employee.

The only staff authorized to view all reports or referrals assigned to the entire county are child protection specialist supervisors or others with a need to know this information in order to provide it to child protection specialist supervisors or other members of Department management.

Occasionally, a report will be made on an agency employee, elected official or another person who is professionally known to the agency. These are considered sensitive reports and may be secured. The fact that a report or client file is not secured does not give any

## Child and Family Services Policy Manual: Confidentiality, HIPAA and Case Records Case Record Contents and Requirements

---

agency staff or contractor permission to review information stored in CAPS when there is no work-related reason for the agency staff or contractor has no work-related reason to know the information.

Information entered on CAPS is confidential. Use of the RRRL screens is limited to a work-related “need to know” basis.

**Employees and contractors may not “browse” the system or look at any CAPS information without having a work-related reason for doing so.**

Confidentiality will be maintained in accordance with Department policy. **Violation of this “need to know” policy is serious and will result in disciplinary action up to and including termination of employment. Criminal penalties may be imposed by statute and an individual may be held personally liable in a civil proceeding resulting from the confidentiality breach.**

Violation of Department policy on confidentiality by a contractor may result in cancellation of that contract with the Department.

Violation of confidentiality laws and rules may result in suspension or revocation of a license or registration certificate issued by the Department.

### Securing Case Records

Each paper case record must be stored or filed in a locked place when not in use. Equipment such as locking file cabinets, full-door cabinets or suitable locking areas are all acceptable for confidential information. Access to all locking equipment and keys must be limited to DPHHS personnel.

Keys (including electronic identification badges) must be kept in secured areas. Local offices are responsible for developing a policy to assure all office building, cabinet, state vehicle, etc., keys are identified, stored and secured.

When a file or report is secured, the child protection specialist assigned to the report or client receives an alert when someone else in the agency has accessed the information. Upon receipt of this alert, the assigned child protection specialist shall immediately report the alert to his or her supervisor. The supervisor, in consultation with the regional administrator, will determine whether the individual who accessed the report had a work-related reason to do so.

Electronic records must also be stored securely, guarded by

## Child and Family Services Policy Manual: Confidentiality, HIPAA and Case Records Case Record Contents and Requirements

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passwords and ensuring work stations are not accessible to unauthorized individuals. When away from work stations employees and contractors should activate password protection by locking the electronic workstation (Ctrl + Alt + Del, and select 'Lock Workstation') or shut the computer down. E-mails sent outside state government should be encrypted if the e-mail contains identifying information on individuals receiving services from the Department

Child protection specialists are responsible for securing confidential material for which they have been assigned. Confidential material must be maintained so access is provided only to those DPHHS employees who have the right to the material through Montana's laws, administrative rules, or Department policy.

**Compliance**

Overall compliance with this policy is the responsibility of the supervisor.

**References**

Mont. Code Ann. §§ 41-3-205, 53-2-105  
Admin. R. Mont. 37.47.607 and 608  
42 USC § 671  
45 CFR 1340.14 (I)  
45 CFR 1340.20  
45 CFR Parts 2

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Rev. 10/06  
Rev. 10/07  
Rev. 10/10