

## CASE RECORD

### I. INTRODUCTION

The county director is required by NCGS § 7B-2901 (b) to maintain a case record on any child for whom protective services is initiated or for whom the agency has legal or physical custody. The record must remain confidential. Policies and procedures governing the examination of the record or for sharing of contained information are discussed in the NC Child Welfare manual.

The case record has several purposes. Among these are:

- The case record documents and supports Child Protective Services (CPS) Assessment activities, service provision, the progress of the family in achieving goals, and the professional opinion of the social worker.
- The case record documentation helps to focus the activity in a case, helping direct the county child welfare worker's actions.
- The case record documents decisions affecting children and their families. It verifies the efforts agencies have made to maintain the child in his or her home, reunite the child with his or her family, or provide timely permanence for the child when he or she cannot be returned home. The case documentation serves as the basis upon which decisions are made regarding filing juvenile petitions, making out-of-home placements, and terminating parental rights.
- The case record documentation provides information on the case activity so that continuity of services is maintained.
- The case record verifies activities for which county child welfare agencies claim reimbursement of cost from public funds.

### II. A SEPARATE CASE RECORD

North Carolina Administrative Code 10A NCAC 70A .0112 specifies that county child welfare agencies shall maintain a separate case record or separate section in a family record on protective services provided to the child(ren). The intent of this rule is to ensure that all information relating to protective services for the child is kept confidential and that only those other service staff within the agency that need to know are aware of the provision of those services.

When families receive other social services, they have appeal rights, among which is the right to examine the case record. If the parent were allowed to examine the CPS case record, confidential information such as the child's statements or the identity of the reporter could be obtained.

In the past, county child welfare agencies have construed the requirement for confidentiality to mean that other professionals, even within the agency, cannot have access to CPS information. However, confidentiality requirements are not intended to limit communication of professionals who work with the same client. It is appropriate to share information with CPS In-Home Services workers, Family Preservation workers, Child Placement workers, Work First, and Adoption workers, as well as educational, medical, or psychological personnel in order to ensure provision of services to the child(ren).

### III. CONTENTS OF THE CPS CASE RECORD

Information in the CPS case record should document through CPS Assessments and provision of appropriate follow-up services. Documentation should be related to the reason for the county child welfare agency's involvement, the case decisions, the progress of the child and family in CPS In-Home Services, and notifications that are required by law and policy. While documentation such as narrative summaries do not need to be typed, entries should be legible and concise.

NCGS § 7B-2901 (b) states the director of the county child welfare agency shall maintain a record of the cases of juveniles under protective custody of the county child welfare agency or under placement by the court which shall include family background information, reports of social, medical, psychiatric, or psychological information concerning a juvenile or the juvenile's family, interviews with the juvenile's family, or other information which the court finds should be protected from public inspection in the best interests of the juvenile. The records maintained pursuant to this subsection may be examined only by order of the court except that the guardian ad litem, or juvenile, shall have the right to examine them.

#### A. Intake and Screening Documentation – Wherever Filed

Note: For detailed policy on the Structured Intake process, refer to Intake in the NC Child Welfare manual.

1. All CPS reports are to be documented in writing using the required Structured Intake Report Form (DSS-1402), at the time that the report is received and, at a minimum, should include the following items, when possible, in order to determine if the report meets the definition of abuse, neglect, and/or dependency (10A NCAC 70A .0105):

- The name and address of the parent, guardian, or caretaker,
- The name of the alleged perpetrator,
- The name and actual or approximate age of the child or children,
- The nature and extent of the alleged abuse, neglect, and/or dependency,
- The present whereabouts of the child or children, if not at the home address,
- Other information that the reporter has which might be helpful in establishing the need for protective services, including the name, address,

and telephone number of other individuals who may have information about the condition of the child or children, and

- The name and address of the individual making the report, if possible.

2. Per 10A NCAC 70A .0105, all CPS reports require:

- Two-level review;
- That one of the parties must be in a management position, and all persons participating in the CPS Intake decision must sign the form; and
- A written notice to the reporter, unless waived or anonymous, within five business days after receipt of the report, stating the report was or was not accepted for CPS Assessment.

The notice shall be documented in the case record and shall include:

- Which track, either investigative or family, the assessment will be assigned when accepted for a CPS Assessment;
  - Information regarding the process by which the reporter may obtain a review of the agency's decision not to accept the report for a CPS Assessment if the report is not accepted;
  - Whether the report was referred to the appropriate state or local law enforcement agency; and
  - Referrals to outreach services or other agencies as appropriate.
3. Per NCGS § 7B-307, documentation of the notification to the district attorney and any appropriate law enforcement agency whenever the agency obtains information that a child may have been physically harmed by a non-caretaker in violation of any criminal statute must be documented in the case record.

Per 10A NCAC 70A .0105, when a report that is not accepted for CPS Assessment includes information that a child may have been physically harmed in violation of any criminal statute by a non-caretaker, the agency shall:

- Give immediate verbal notification to the district attorney or his or her designee;
  - Send subsequent written notification to the district attorney within 48 hours;
  - Give immediate verbal notification to the appropriate local law enforcement agency; and
  - Send subsequent written notification to the appropriate local law enforcement agency within 48 hours.
4. As a part of a thorough CPS Assessment, North Carolina Administrative Rule 10A NCAC 70A .0106 states the agency shall:
- Review its Child Welfare Services records for previous contact with the family; and

- Conduct a Central Registry check, unless the agency has conducted such a check in the 60 days prior to the new report, or the agency is providing ongoing Child Welfare Services to the family.
5. Documentation that the report was assessed and assigned promptly so that contact is initiated, including face-to-face contact, within the timeframes mandated by law.

## **B. INITIATING AND CONDUCTING A PROMPT AND THOROUGH CPS ASSESSMENT**

There shall be all necessary documentation to confirm the performance of a prompt and thorough CPS Assessment:

1. Documentation to confirm that the agency initiated the CPS Assessment of abuse, neglect, and/or dependency within the specified timeframes. The documentation shall include that the agency initiated the face-to-face contact with the child or children in abuse investigative assessments within the maximum twenty-four hours and in neglect and/or dependency assessments, within the maximum seventy-two hours, in accordance with response priority decision tree. (NCGS § 7B-302 and 10A NCAC 70A .0105).

The record also shall contain documentation that the report was assessed for, and immediate contact was initiated in, certain high-risk situations. If such contact was not made, there shall be documentation in the case record of diligent efforts made and to show adequate follow up responses to protect the child.

The agency shall respond immediately when a report is determined to be a high-risk situation because of abuse, neglect, and/or dependency. High-risk situations which require immediate response, include, but are not limited to:

- A child at imminent risk of harm resulting from neglect,
- Physical abuse of a preschool child,
- A child under the age of six is left alone,
- A child being sexually abused,
- A child being tormented or tortured,
- A child in a life threatening situation,
- A child under the age of 12 who self refers or refuses to go home
- A report of a child's death as a result of maltreatment and there are other children present in the home or if it is unknown if there are other children,
- All reports of abandonment. The law requires that the county child welfare agency immediately take appropriate steps to assume temporary custody of the child and take the appropriate steps to obtain a nonsecure custody court order. When the report alleges abandonment, the CPS Assessment shall include a request from the director to law enforcement officials to investigate through the North Carolina Center for Missing Persons and

other national and state resources whether the juvenile is a missing child ([NCGS § 7B302](#)), and

- Any time the agency determines that an immediate response is indicated.

If response to a high-risk situation is not immediate, there shall be documentation to reflect diligent efforts made and to show adequate follow-up to protect the child. All efforts to locate the child shall be documented in the case record ([10A NCAC 70A .0105](#)).

2. Documentation that all children living in the home, in a non-institutional setting, are considered as alleged victim children. When applicable, document to confirm that the agency performed diligent efforts to locate the alleged victim child([ren](#)). In documenting these diligent efforts, the following activities shall be recorded:
  - Documentation that visits to the child([ren](#))'s home were made at different times of the day and on different days;
  - All other efforts to locate the child([ren](#)) and family shall be contained in the case record.

Documentation of diligent efforts to locate a child or family may be captured in [Section IV. Diligent Efforts to Initiate the Case of the DSS-5010](#).

3. Documentation to confirm that the [county child welfare](#) agency has assessed the facts regarding the existence of abuse, neglect, [and/or](#) dependency, that the county child welfare agency has assessed the extent of abuse, neglect, [and/or](#) dependency, and that the county child welfare agency has assessed the risk of harm to and the need for protection of the child([ren](#)).
4. Documentation to confirm that the [county child welfare](#) agency has made face-to-face contact with all alleged victim children residing in the home within 24/72 hours, in accordance with law, [rule](#), and policy, or documentation to reflect efforts made. ([10A NCAC 70A .0105](#))
5. Documentation to confirm that interviews were conducted in the sequence least likely to cause further risk or harm to the alleged victim children or rationale for the sequence that was used during the interviews.
6. Documentation to confirm that effective interviewing strategies were used and that these were appropriate to the child's developmental level. Documentation shall also confirm the ability to interview the child, when applicable.
7. Documentation to confirm that the [county child welfare](#) agency conducted the interview with all parents or primary caretakers with whom the child resides

on the same day as the victim child is interviewed, or documentation to reflect efforts made or the rationale for delaying the interview that does not compromise the child's safety.

8. Documentation to confirm that during the CPS Assessment, the county child welfare agency visited the place where the victim child(ren) reside.
9. Documentation to confirm that the agency conducted face-to-face interview with the alleged perpetrator(s) or efforts made.
10. Documentation of completion of the Safety Assessment (DSS-5231) at the required intervals with the required content. Refer to Assessments in the NC Child Welfare manual for further details.
11. Documentation to confirm that the county child welfare agency conducted face-to-face interviews with non-primary caretakers know to be living in the child's household within seven days of initiating the CPS Assessment or efforts made.
12. As a part of a thorough CPS Assessment, the agency shall:
  - Interview all persons named at the time of the report as having information relevant to the CPS Assessment or document made these contacts were not made; and
  - Contact other persons or agencies know to be currently involved with the family or known to have knowledge of the situation or document why these contacts were not made.

In a family assessment, the family is to be given the opportunity to be present for any professional collateral contacts.

13. Documentation that all allegations, whether contained in the original report or revealed during the course of the CPS Assessment, were addressed. Documentation should also reveal the presence of a thorough assessment of any potential risks to the child(ren).
14. Documentation of any reports that may be received during the CPS Assessment with all accompanying notifications and assessment of risk to the child(ren). Refer to Intake in the NC Child Welfare manual for details on how to screen multiple reports on a family. Refer to Assessments in the NC Child Welfare manual for details related to case decision-making when there are multiple reports on a family.
15. Documentation that appropriate medical and psychological resources were used, when appropriate, such as the Child Medical Evaluation Program. Refer to the NC Child Welfare manual for details.

Documentation that the child's medical provider was contacted when there is an alleged medical condition, disease, or illness that is relevant to the allegation in order to determine the family's assertions about the condition or illness.

16. Documentation of the Family Risk Assessment of Child Abuse/Neglect (DSS-5230) completed at the required intervals. Refer to Assessments in the NC Child Welfare manual for further details.
17. Documentation of the Assessment of Family Strengths and Needs (DSS-5229) completed at the required intervals. Refer to Assessments and Permanency Planning in the NC Child Welfare manual for further details.
18. Documentation reflecting that the county child welfare agency maintained sufficient contact during the CPS Assessment to ensure the safety of the child(ren), assess ongoing risk, monitor the effectiveness of the safety intervention, and ascertain family strengths until the case is closed or transferred. If sufficient contact is not maintained, documentation must reflect diligent efforts made or the basis for what the county child welfare agency considers sufficient contact.
19. When additional information is necessary to complete a thorough CPS Assessment, the case record shall contain documentation to confirm that appropriate resources have been contacted and that any information provided by them is utilized.
20. When the alleged abuse, neglect, and/or dependency occurred in a facility, documentation must contain the following:
  - A discussion of the allegation with the individual who has on-site administrative responsibility for the facility;
  - A discussion of the procedure to be followed during the CPS Assessment,
  - The utilization of resources within and without the facility as needed and appropriate;
  - A discussion of the findings with the administrator of the facility; and
  - The discussion of the findings shall be confirmed in writing and a copy of this written confirmation will be contained in the case record.
21. Notification to the district attorney and appropriate law enforcement agency when evidence is found that a child may have been abused by a parent, guardian, or caretaker must be documented in the case record. The notifications must include:
  - Give immediate verbal notification to the district attorney or his or her designee;

- Send subsequent written notification to the district attorney within 48 hours;
- Give immediate verbal notification to the appropriate local law enforcement agency; and
- Send subsequent written notification to the appropriate local law enforcement agency within 48 hours.

### C. Case Decision Documentation

When a thorough CPS Assessment reveals the presence of abuse, neglect, and/or dependency, or that the family is in need of services, the case record shall contain the following documentation:

1. Documentation of the CPS Assessment shall:
  - Include completion of the Safety Assessment (DSS-5231);
  - Include completion of the Family Risk Assessment of Child Abuse/Neglect (DSS-5230);
  - Include completion of the Assessment of Family Strengths and Needs (DSS-5229);
  - Include completion of the North Carolina Case Decision Summary / Initial Family Services Agreement (DSS-5228) or the comparable portion of the DSS-5010;
  - Describe actions taken and services provided;
  - Support the rationale for the county child welfare agency involvement and service delivery on an ongoing basis; and
  - Be prompt and current within seven days.

Documentation of all Structured Decision-Making tools must be completed within required timeframes, including answers to questions relating to severity and frequency of the abuse and/or neglect, whether there are current safety issues, whether the child(ren) is at future risk of harm, and whether the child(ren) is in need of protection. Completion of all Structured Decision Making tools must take place prior to the case decision.

2. Documentation of the case decision, including information indicating that the decision was shared with the county child welfare supervisor or staffing team, specific caretaker behaviors that resulted in harm to the child(ren), and reflecting that the case decision was made within 45 days, or if this was not possible, reasons why the decision was delayed.
3. Written notification of the case decision must be sent to:
  - Any parent or caretaker who was alleged to have abused and/or neglected a child(ren), and/or rendered the child(ren) dependent;



- Any parent or primary caretaker with whom the child(ren) reside at the time of the initiation of the CPS Assessment;
  - Any other parent or caretaker as appropriate;
  - Any agency in whom the court has vested legal custody;
  - Any licensing authority as appropriate; and
  - The Central Registry.
4. Per 10A NCAC 70A .0107, when an investigative assessment reveals the presence of abuse, neglect, and/or dependency in a facility, the county director shall complete the following steps:
- The child(ren)'s legal custodian shall be informed;
  - An intervention plan for the care and protection of the child(ren) shall be developed in cooperation with the facility and the legal custodian; and
  - When abuse is found, a written report shall be made to the prosecutor in the county where the facility is located.
5. Documentation that written notification was given to the reporter within five days of the completion of the CPS Assessment specifying the case decision, what action the agency has taken to protect the child(ren) when the case is substantiated or found Services Needed, and specific information regarding the process for requesting the district attorney review the decision not to file a juvenile petition.
6. Documentation that the family was seen within seven days of substantiation or finding of Services Needed to begin case planning.

#### **D. CPS In-Home Services**

1. The case record shall document all required information and notifications during the provision of CPS In-Home Services.
2. Documentation of the Family Risk Reassessment (DSS-5226) must be completed at the required intervals. Refer to In-Home in the NC Child Welfare manual for further details.
3. Documentation of any new allegations when the county child welfare agency is working with the family during the provision of CPS In-Home Services. Refer to Intake in the NC Child Welfare manual for further details on how to screen multiple reports on a family.
4. The documentation shall reflect diligent efforts made to achieve the appropriate level of contact depending on the risk level of the CPS In-Home Services case (high, moderate, or low) or the rationale for the reduction in the frequency of the contact.

5. Documentation of the visits must include who was seen, where, when, and progress toward meeting the goals of the Family Services Agreement.

**E. Documentation that Child Well-Being Needs were Addressed when Appropriate.**

In cases that are substantiated or found Services Needed and opened for more than 30 days from the date of the case decision, there must be documentation in the case record that includes the following items as applicable:

1. Child/Family Education Needs

- Special education classes, when applicable,
- Normal grade placement, if the child is school age,
- Services to meet the identified educational needs, unless no unusual educational needs have been identified,
- Early intervention services, unless these services are not needed,
- Advocacy efforts with the school, unless the child is not school age or there have been no identified needs that are unmet by the school, and
- How the educational needs of the child/family have been included in case planning unless the child is not school age or has no identified educational needs.

2. Child/Family Physical Health Needs

- Whether the child/family has received preventive health care and, if not, the efforts the agency will make to ensure that this care is obtained,
- Whether the child/family has received preventive dental care and, if not, what efforts the agency will make to ensure this care is obtained,
- Whether the child/family has up-to-date immunizations and, if not, what efforts the agency will make to obtain them,
- Whether the child/family is receiving treatment for identified health needs and, if not, what efforts the agency will make to obtain the treatment, and
- Whether the child/family is receiving treatment for identified dental needs and, if not, what efforts the agency will make to obtain the treatment.

3. Child/Family Mental Health Needs

- Whether the child/family is receiving appropriate treatment for identified mental health needs and, if not, what efforts the agency will make to obtain the treatment.

This information is documented on the Family Assessment of Strengths and Needs ([DSS-5229](#)).

## F. The Family Services Agreement

Documentation of the development, implementation, and oversight of the Family Services Agreement must be in the case record. This includes documentation the Family Services Agreement was completed at the required intervals and included all appropriate assessments and participants. Refer to In-Home in the NC Child Welfare manual for further details on the completion of the Family Services Agreement when the family is served through the provision of CPS In-Home Services. Refer to Permanency Planning in the NC Child Welfare manual for further details on the completion of the Family Services Agreement when the child is in the legal custody of the county child welfare agency.

## G. Service Provision

The case record must contain documentation that the county child welfare agency provided, arranged for, and/or coordinated intervention and services needed and that these services were focused on child safety and protection, family preservation, and the prevention of future abuse, neglect, and/or dependency.

1. Documentation that the CPS In-Home Services Family Services Agreement was developed with the family specifically for its circumstances.
2. Child Welfare Services documentation shall include a description of the ongoing assessment of risk, safety and health of the child(ren), describe actions taken and the services provided, support he need for continuing agency involvement, and be prompt and current within seven days.
3. Documentation of the termination of Child Welfare Services shall reflect either that the parents or caretakers are willing to provide a safe home and demonstrate their ability to do so, or the agency receives legal custody or placement responsibility. Documentation shall also reflect the rationale for case closure and indicate that the decision was a shared decision made by the county child welfare social worker and the county child welfare supervisor.
4. The case record shall contain copies of written notification of case closure to the family within seven days of the county child welfare agency's decision to close the case.

## H. Removal of the Child(ren)

The case record shall document all required information and notifications when a child(ren) must be removed from the home.

1. Documentation indicating that the county child welfare agency made efforts to protect the child in his or her own home and to prevent out-of-home placement. If the child(ren) must be removed, there shall be documentation indicating supervisory approval.

2. When removal of the child(ren) is required, documentation shall reflect that the county child welfare agency assessed whether any relatives were willing and able to care for the child(ren) and whether such placement would be in the child's best interests.
3. Documentation that the agency complied with legal requirements when temporary custody is initiated. When temporary custody (12 hours) is initiated, the county child welfare agency shall document compliance with the following requirements:
  - That the child would have been endangered if the county child welfare social worker first had to obtain a court order;
  - That the child was returned to the parents or persons from whom the child was removed unless a petition or motion for review was filed and an order for secure or nonsecure custody was obtained; and
  - That the parents were notified that they could be with the child(ren) while the court determined the need for secure or nonsecure custody.
4. Any juvenile petition initiated by the county child welfare agency, by which a child enters agency custody or placement responsibility shall allege all of the conditions that would involve court jurisdiction.
5. Documentation that the nonsecure custody order gives specific sanction to a placement other than a licensed provider, that the juvenile petition was filed because the child(ren) was at imminent risk, and that a hearing was held within seven days.

Documentation of the county child welfare agency's activities in fulfilling the requirements for making reasonable efforts to maintain the child in his or her own home and to reunite the child with his or her family, if the child has been removed from the home. This is a requirement for federal reimbursement of funds, as well as being good social work practice.

6. Documentation of required language in the court order when a child(ren) is taken into agency custody as a result of an adjudication of undisciplined behavior or delinquency or if appropriate language is not included, documentation that the agency filed a motion to have such language included in the court order.

#### **I. Other Reports, Notices, and Orders**

Copies or documentation of all other notices, reports, and/or court orders that are specified and applicable to other specific situations shall be contained in the case record.