

<b>DSS Policy and Procedure Guide</b>	
Division 03: Child Welfare Policies	Chapter 01: Director's Policies
<b>Item 003 : Sensitive Referrals and Cases</b>	
Suggested changes send to: <a href="#">DSS PSOA</a>	<b>Issued: July 27, 2018</b>
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### **Preamble**

Child Welfare Policy and Procedure Guides (PPG) are meant to be used as tools to relay best practice and staff expectations. It is understood that specific case scenarios may not always align themselves with the stated practices and that at all times what is of paramount importance is the Safety and Well-being of the children we are charged to protect.

### **Policy**

The Department of Social Services (DSS) shall ensure confidentiality and security for individuals involved in Child Welfare referrals and cases that are sensitive in nature.

### **Purpose**

To establish a standardized procedure for the management of Child Welfare Services (CWS) referrals and cases that involve DSS employees and/or their families, public figures, designated law enforcement personnel or media interest stories.

### **Procedure**

#### *Sensitive Referrals and Cases*

A CWS referral or case is considered sensitive when the suspected perpetrator, victim, parent, caregiver, involved family member, or a witness is a DSS employee and/or immediate family member, a person well known by the general public, a specified law enforcement employee or a media interest story. If there is a question about whether a referral or a case is sensitive, a Social Work Supervisor (SWS) must be consulted.

Referrals and cases shall be identified as sensitive when they involve:

- A DSS employee and/or immediate family member;
- A public figure, media personality or well-known elected or appointed official;
- A high ranking official of local Law Enforcement agencies;
- An active duty law enforcement officer or detective\*;

- A potential sustained media interest such as:
  - Sensational alleged facts that would be certain to generate media interest (including child's death in an open DSS case);
- Referrals on a current media story;
- Safe Baby Surrender referrals.

\*Excludes: California Highway Patrol, School Police, State Police, Housing Authority, Federal Law Enforcement, Probation/Parole, Hospital Police or Civilian Staff.

A referral/case is required to be documented as sensitive in CWS/CMS and procedures followed to assure only employees who have a need to retrieve, review or input information regarding the referral/case are allowed access.

### **Sensitive Access**

When a referral/case is designated and entered into CWS/CMS as sensitive, only staff with primary or secondary assignment to the referral/case, in addition to other staff that has Sensitive Access, will have CWS/CMS access to the referral/case.

DSS staff granted Sensitive Access are allowed to:

- Access any referral and case coded as sensitive in CWS/CMS; and
- Have the ability to code a referral and case as sensitive in CWS/CMS.

The DSS Director, CWS Deputy Director, and CWS Program Managers (PM) are authorized to approve a request for Sensitive Access. Documentation of approval shall be submitted to the Department's Systems and Procedures Analyst (SPA) to complete the request.

Employees are granted Sensitive Access on a need-to-know, limited basis, in accordance with duty description and with administrative approval. DSS staff is prohibited from requesting, viewing or obtaining any case record information (written or electronic) for any purpose other than to fulfill requirements of their assigned work.

When an employee's job description changes and Sensitive Access is no longer needed, the employee's immediate supervisor will notify the designated SPA within 2 working days to rescind access.

### **Sensitive Access / Case Review**

A SPA will routinely review the list of staff with Sensitive Access to ensure continued need and will rescind Sensitive Access for staff that have changed units or that have a current duty

description that does not justify access. The list of staff with Sensitive Access will be updated quarterly by a SPA and forwarded to the DSS Director and CWS Deputy Director.

Sensitive referrals and cases will be reviewed at minimum bi-annually by Continuous Quality Improvement (CQI) Support staff to ensure the continued designation is justification.

## **CWS Referrals**

### *Staff Responsibilities*

#### Child Protection Hotline (CPH) Staff

The CPH Social Worker (SW) shall determine from the reporter's information if a new referral meets the criteria for sensitive designation and consult with the CPH SWS to confirm the designation. If confirmed and the referral is written by a CPH SW with Sensitive Access, the CPH SW shall:

- Input the referral in CWS/CMS.
- Indicate in the top line of the Screener Narrative, as well as in the Screener Alerts Box, that the referral is sensitive and in non-specific terms indicates the reasons it is sensitive.
- Follow steps for coding the referral as Sensitive referenced in the "Designation of Sensitive Status in CWS/CMS" section of this PPG.

**Referrals that involve a DSS Child Welfare employee should not be generated in CWS/CMS. The CPH SWS shall contact a neighboring county to generate and investigate these referrals. If the referral has already been generated prior to the CPH SW having knowledge that it is employee related, the referral shall be coded as Sensitive and transferred to a neighboring county for investigation. If a case is opened, the investigating county shall retain the case for case management and provision of services. If no agreement is reached with a neighboring county, Fresno County DSS will provide necessary services while maintaining strict confidentiality.**

**Referrals that involve a DSS employee employed outside Child Welfare shall be coded as Sensitive and may be investigated by a Fresno County Child Welfare SW. If a case is opened, the case may be retained by Fresno County DSS for case management and provision of services. If CPH staff have questions regarding the assignment of any DSS employee related referral or case, the CPH supervisor shall be consulted.**

#### **NOTE:**

If the referral is written by a CPH SW that does not have Sensitive access the SW shall complete the referral and immediately submit it for processing to an Emergency Response (ER) Referral Office Assistant (OA) with Sensitive Access. The ER OA shall follow steps for coding the referral as Sensitive referenced in the "Designation of Sensitive Status in CWS/CMS" section of this PPG.

### Standby SW

Standby SW shall consult with the Standby SWS to confirm that a referral meets the criteria for Sensitive status and obtain authorization from the Standby SWS prior to responding to the referral. If a response is authorized by the SWS, the SW shall respond.

The Standby SW shall submit sensitive referrals and all documentation to an Emergency Response (ER) Office Assistant (OA) with Sensitive access by 9:00 AM on the first working day following the receipt of the referral.

The ER OA shall follow steps for coding the referral as Sensitive referenced in the “Designation of Sensitive Status in CWS/CMS” section of this PPG.

### ER SWS

When a sensitive referral is assigned to an ER SWS, the SWS shall:

- Assign the referral to a SW and advise the SW of the sensitive status. The SW may or may not have Sensitive Access.
- Instruct the SW to keep the referral in a locked drawer to which the SWS has access.
- Instruct the SW not to share any information on the case with anyone, except another professional who has a need to know specific information.
- All ER SWSs have the authority to designate a referral as Sensitive, however, not all are granted Sensitive Access. If an ER SWS does not have Sensitive Access, the SWS shall instruct other staff (Supervising Office Assistant [SOA] or CPH SWS) who has Sensitive Access, to code the referral in CWS/CMS.
- The ER SWS shall inform their PM of the receipt of the sensitive referral.

**NOTE:** If, during the ER assessment/investigation, a referral not previously identified as Sensitive is later determined to be sensitive, the ER SW shall consult with their SWS to confirm the designation. The referral shall be coded as Sensitive in CWS/CMS.

### **Open Child Welfare Services Case**

A CWS case that is opened as a result of a Sensitive Referral will retain this designation and is considered a Sensitive Case.

**When transferring a sensitive case from one task area to another the sending SW and SWS shall ensure that it is noted in the case flag that the case is sensitive. In addition, the receiving SW and SWS shall be alerted that the case is sensitive upon receipt of transfer.**

An open CWS case that has not been designated as Sensitive can be changed to Sensitive at any time as a result of new case information which meets sensitive criteria. Upon receipt of new information the assigned SW will consult with their SWS to confirm this designation. The case shall be coded as Sensitive in CWS/CMS.

All SWSs have the authority to designate a case as Sensitive, however, not all are granted Sensitive Access. If a SWS does not have Sensitive Access, the SWS shall instruct other staff who has Sensitive Access, to code the case as Sensitive in CWS/CMS.

## **Staff Responsibilities**

### Ongoing SWS

When a Sensitive case is assigned to an ongoing SWS, the SWS shall:

- Assign the case to a SW and inform the SW of the Sensitive status. The SW may or may not have Sensitive Access.
- Instruct the SW to keep the case in a locked drawer to which the SWS has access.
- Instruct the SW not to share any information on the case with anyone, except another professional who has a need to know specific information.

The SWS shall inform their PM of the receipt of the sensitive case.

## **Designation of Sensitive Status in CWS/CMS**

To code a referral or case Sensitive in CWS/CMS, a staff person must have Sensitive Access. The following CWS/CMS steps shall be followed:

- From the Action drop down menu, select “Limit Access.”
- Choose “Sensitive” in the Limit Access dialog box.
- Make a note in the Screener Narrative, Screener Alerts or Case Alerts box on the ID page that the referral or case is sensitive and why it is coded as sensitive.
- To maintain confidentiality, note why the referral or case is sensitive without giving details, for example:
  - County employee or a relative
  - Law enforcement request
  - High profile
  - Media

## **Handling and Securing Sensitive Referrals/Cases**

Responsibilities/Expectations of All Staff

Any referral identified and/or coded as Sensitive shall be transported between staff in a closed envelope.

All Sensitive referrals and cases are to be kept locked in a cabinet.

All Sensitive referrals and cases are never to be left in open view at the work station, or computer screen.

Any DSS staff involved with a Sensitive referral/case shall not share any information about the Sensitive referral/case with anyone, except professionals who need to know specific information. This includes critical or reportable incidents per PPG 03-11-001, Incident Reporting and Investigation.

Sensitive referral/case shall not be used for any case presentations or trainings. DSS staff is not to communicate with the media; all media inquiries must be referred to the Director.

**E-mails regarding Sensitive Referrals/Cases**

E-mail communication regarding Sensitive cases/referrals should be sent to the intended recipient(s) only to avoid a breach in confidentiality. For example, a SW from the Dependency Investigations Unit routinely sends Critical Incident Reports to the DSS CIR mailbox, which is a large e-mail distribution list. However, if they are working on a Sensitive referral/case they would send it to the case manager, the case manager's supervisor, the PM and the Child Welfare Deputy Director instead of the DSS CIR mailbox. There are also occasions when mass e-mails are sent within the department that contains information about dependent minors involved in Sensitive cases/referrals, in these instances the information must be de-identified. For example, when Resource Family Services sends out e-mails regarding minors for whom they are searching for placement, these minors would be identified by their initials and age only (example A.B. age 16).