



NH Department of Health & Human Services
Division for Children, Youth & Families

DCYF Standard Operating Procedure

2765.1 RECORD REQUESTS-CPS

Policy Directive: **22-18**

Effective Date: **June 2022**

Implements Policy: **2765**

Approved:

Joseph E. Ribsam, Jr., DCYF Director

This SOP defines how case records can be requested and by whom, as well as the process for fulfilling requests for CPS records.

Procedure

The following information is to support the implementation of the above referenced policy. This document shall not preclude staff from using their professional judgement based on individual circumstances, consistent with the requirements of the policy.

- I. The Division provides access to the case records (excluding third-party generated records) for the following persons, unless DCYF determines that the harm to the child named in the case record resulting from the disclosure outweighs the need for the disclosure presented by the person requesting access:
 - A. The child, parent, guardian, or legal custodian named in the case record;
 - B. Another member of the family of the child named in the case record, if disclosure is necessary for the provision of services to the child or other family member;
 - C. Employees of the Department and legal counsel representing employees of the Department for the purpose of carrying out their official functions;
 - D. Persons made parties to judicial proceedings in New Hampshire relative to the child or family, whether civil or criminal, including the court with jurisdiction over the proceeding, any attorney for any party to the proceedings, and any guardian ad litem appointed in the proceeding;
 - E. A grand jury, upon its determination that access to such records is necessary in the conduct of its official business;
 - F. The relevant county; or
 - G. Another state's child welfare agency or other government entity, or any law enforcement agency (including local and out-of-state law) that requires the information in order to carry out their responsibility under law to protect children from abuse or neglect, including the investigation of child fatalities.
- II. All requests for records are immediately forwarded to DO support staff.

- A. DCYF staff will verify the identity of the person requesting a case record and offer the use of the DCYF Case Records Request (Form 2765) to make the request.
 - B. The request may be fulfilled without the Form 2765, but must be in writing and signed by the individual making the request.
 - C. Any records requests made to the Fiscal Services Unit (FSU) pertaining to CPS records are immediately flagged "high priority" and forwarded to the DO support staff and the CPS DO Supervisor.
- III. Upon receipt of a DCYF Records Request, DO support staff will immediately forward the request, flagged as "High Priority" to the DO Attorney(s) and Attorney Supervisor for a legal determination if it is a Right to Know request (RSA 91-A) or a Case Record request.
- A. Requests determined by the DO Attorney or Attorney Supervisor to fall under New Hampshire's Right to Know law (RSA 91-A) are immediately forwarded to the Chief and Deputy Chief of the DHHS Office of Legal and Regulatory Services.
 - B. Requests that do not fall under RSA 91-A are immediately returned to the DO support staff who will:
 1. Date-stamp the request;
 2. Enter the request on a tracking log (e.g. Record Request Log Sheet); and
 3. Provide the request for DCYF records to the CPS DO Supervisor (or other designated Supervisor) for processing.
- IV. If requested records are maintained in more than one DO, the CPS DO Supervisors will determine together which office will fulfill the request, taking into account each office's knowledge of the family, which office has the most recent records, and which has the largest volume of records.
- A. If a records request includes both CPS and JJS records, the CPS DO Supervisor (or designated Supervisor) will consult with the JJS Supervisor as to the best way to fulfill the request.
 - B. The Fiscal Services Unit Supervisor (or designee) will provide copies of any paper files to the CPS DO Supervisor (or Supervisor designee) upon request.
- V. The CPS DO Supervisor (or designated Supervisor) not completing the request will send (email or inter-office mail) a **copy** of the records in the file, including a list of any third-party or audio/videotaped records, to the CPS DO Supervisor (or designated Supervisor) or JJS Supervisor processing the records request.
- A. The office that processes the request will retain an electronic copy of all record requests they provide.

- B. Each CPS DO Supervisor (or designated Supervisor) is responsible for tracking how they respond to record requests, including the date they sent records to another DO for response.
- VI. The CPS DO Supervisor (or other designated Supervisor) will review the records request to determine:
- A. What records exist;
 - B. If the individual asking for the records is entitled to the records; and
 - C. If legal consultation may be necessary.
 - 1. Any person who is entitled to access a case record under RSA 170-G:8-a may share such information with any other person entitled to access unless the Commissioner (or designee) specifically prohibits such additional disclosure in order to prevent harm to a child.
- VII. The CPS DO Supervisor (or other designated Supervisor) will identify all relevant records (see SOP 2765.4 for examples of case records that should and should not be made available) and provide a list of the records to the DO support staff. To include:
- A. Added information;
 - B. Added allegations;
 - C. Screened-out reports;
 - D. Associated Assessments or cases;
 - E. Contact logs;
 - F. Law enforcement notification letters (including supplemental letters);
 - G. Standardized decision making tools completed by DCYF Staff;
 - H. Standardized assessment tools completed by DCYF Staff;
 - I. Photographs (taken by DCYF staff) and video or audio recordings of interviews conducted by DCYF staff;
 - J. Fiscal records completed by the FSU (excluding third-party records); and
 - K. Identified JJS records (after consulting with the JJS Supervisor), as applicable.
- VIII. The CPS DO Supervisor (or designated Supervisor) ensures all documents pertaining to record requests are kept on the shared drive in a folder named "Record Requests."

- A. Individual employees must not maintain separate folders pertaining to record requests.
- IX. DO support staff will:
- A. Compile the records;
 - B. Scan all contents of any physical file;
 - C. Create a folder for each record request processed using the last name, then first name of the eldest child;
 - D. Compile and organize DCYF's case records by each CPS Assessment or case by in the following manner:
 - 1. Assessment referrals;
 - 2. Any "Added Information" or "Added Allegations";
 - 3. Contacts logs; and
 - 4. Remaining DCYF file contents for that Assessment or case;
 - E. Scan and save the records chronologically (batched separately by CPS Assessment or case number) in the electronic Records Request folder;
 - F. Review the files;
 - G. Create and save a Word document titled Third-Party Records in the Records Request folder that lists all third-party documents (including pictures and audio/video interviews by a third party) in the file;
 - 1. If no third-party records exist, the document should state "no third-party documents exist";
 - H. Notify the CPS DO Supervisor (or designated Supervisor) once all records are scanned and the Third-Party List has been created that the request is ready for review; and
 - I. Label the records "[Individual's Last Name] - UNREDACTED."
- X. The CPS DO Supervisor (or designated Supervisor) will review the documents for completeness and let DO support staff know when they can notify Legal Support staff of the request.
- XI. Legal Support staff will work with a DCYF Attorney on the record request.

- A. Legal Support staff will notify the DCYF Attorney after they have prepared a Request for Case Records cover letter (Form 2764) and redlined the records for proposed redactions.
 - B. Documents that are redlined by an Attorney or by Legal Support staff are saved separately and labeled as “[Individual’s Last Name] - MARKED.”
- XII. The DCYF Attorney will:
- A. Review the Form 2764 and prepared the records;
 - B. Add or delete redlines as needed; and
 - C. Apply the redactions once all of the redlining has been reviewed and approved.
 - 1. The redacted version will be saved separately and labeled as “[Individual’s Last Name] - REDACTED” and the DO support staff is notified that the records request is complete.
- XIII. DO support staff will print out the Form 2764 and records to be released for the CPS DO Supervisor’s final review, approval, and signature (only the CPS DO Supervisor is permitted to sign Form 2764).
- XIV. Once the CPS DO Supervisor signs the letter, the DO support staff will send the records.
- XV. A copy of all mailed documents will be scanned into the most recent Assessment or case in the DCYF electronic information system and added to the physical file.
- XVI. DO support staff will enter each step completion in the current year’s Record Request Log, located in the R-Drive.

Applicable Forms	
Form	Title
2764	Request for Case Records cover letter
2765	DCYF Case Records Request

Glossary and Document Specific Definitions

A - B C - D E - F G - I J - L M - N O - Q R - S T - V W - Z

Document Change Log			
PD	Modification Made	Approved	Date