

COUNTY OF HUMBOLDT  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
**CHILD WELFARE SERVICES**

**POLICY & PROCEDURE**

<b>POLICY NUMBER:</b> CWS 15-27	<b>POLICY TITLE:</b> CHILD WELFARE SENSITIVE REFERRALS AND CASES	<b>EFFECTIVE DATE:</b> 07/16/2015
<b>PROGRAM(S):</b> All Programs	<b>REVISION DATES:</b> 04/13/2022	<b>REFERENCES:</b> ACIN I-13-09, ACL 17-23

**OVERVIEW**

The purpose of this policy is to provide guidance regarding limited access in the case/client management systems used by Child Welfare Services, as well as limited access to hardcopy case files. Specifically, this policy provides instruction on when to limit access to records by marking them as sensitive or sealed in the Child Welfare Services/Case Management System (CWS/CMS) and the process to ensure records that are marked sensitive or sealed still meet criteria for Limited Access functionality. This policy also provides guidance for limiting access in CWS/CMS, as well as other electronic or hardcopy client records.

**Background**

Within CWS/CMS, there is a Limit Access command that imposes access restrictions (sensitive or sealed) on the case or referral in focus. Users must have Limit Access authority as set up in the Resource Management application to select this command. Specifically, users must have the Sensitive Persons privilege or Sealed privilege to be able to mark a case or referral as such. In addition to allowing a user to mark a case or referral as sensitive or sealed, the Sensitive Persons privilege or sealed privilege also allows a user to access cases or referrals that are so marked. Marking a record as sensitive imposes a stricter access restriction on the record than if the record had non-limited access.

**Sensitive Referrals/Cases**

The sensitive indicator is used to protect the integrity of the Department of Health and Human Services (DHHS) investigation and case management process, as well as the privacy of the employee. When a user marks a case or referral as sensitive in CWS/CMS, all the clients involved in that case or referral are marked as sensitive and their Client Abstract Notebooks cannot be opened unless the user performing the client search has Sensitive Persons privilege or has a direct assignment to that case or referral. If a user subsequently adds other clients to a sensitive case or referral, those other clients will be marked as sensitive. If a sensitive client is in another referral or case, the other clients in this other referral or case will not be marked sensitive.

**Sealed Referrals/Case**

The sealed indicator is used exclusively when the court has ordered the sealing of the child welfare agency case files or child welfare/probation foster care records. When a user marks a case or referral as sealed in CWS/CMS, all the clients involved in that case or referral are marked as sealed and their names do not display in the search results window after a client search unless the user performing the search has the Sealed privilege or has a direct assignment. If a user subsequently adds other clients to a sealed case or referral, those other clients will

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be marked as sealed. If a sealed client is in another referral or case, the other clients in this other referral or case will not be marked sealed.

**POLICY**

It is the policy of Child Welfare Services (CWS) to protect DHHS from liability regarding confidentiality breaches for the child abuse or neglect investigation process or case processing within CWS. Any referral or case that is determined to require limited access due to those involved will be marked as sensitive in CWS/CMS and handled as stated in the following procedure.

See *P&P 09-80 Child Welfare Services (CWS) Referrals on Department of Health And Human Services (DHHS) Employees* for guidance regarding the handling of CWS referrals and cases involving DHHS employees.

**PROCEDURE**

**1. Access to Sensitive Referrals and Cases**

1.1. Sensitive Person privilege is limited to those in a classification where their function and role requires them to have frequent and/or immediate access to CWS/CMS referrals/cases and pursuing the process to be formally assigned primary or secondary assignment to a sensitive case would impede and/or present a significant limit to the effectiveness of their job performance. Therefore, the following classifications are allowed access to sensitive referrals/cases:

1.1.1. CWS Administration

- 1.1.1.1. Director\*
- 1.1.1.2. Deputy Directors\*
- 1.1.1.3. Programs Managers\*
- 1.1.1.4. DHHS Privacy Officer

1.1.2. CWS Support

- 1.1.2.1. Senior Staff Services Analyst\*
- 1.1.2.2. Staff Services Analyst
- 1.1.2.3. Office Services Supervisor
- 1.1.2.4. Senior Office Assistant (clerical, adoptions)
- 1.1.2.5. Services Support Assistant
- 1.1.2.6. Ombudsperson
- 1.1.2.7. Office Assistant (RFA only)

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- 1.1.2.8. Education Liaison
- 1.1.2.9. Public Health Nursing Staff

1.1.3. CWS Case Workers

- 1.1.3.1. Social Worker Supervisor
- 1.1.3.2. Screening Unit Social Worker
- 1.1.3.3. Case Review Social Worker

*\*These classifications have access to Sealed Cases.*

**2. Assigning and Removing Sensitive Person Privilege**

- 2.1. Whenever a staff member enters or leaves a position that has been designated as one which should receive the Sensitive Person privilege function, the Senior Staff Services Analyst will make the necessary updates in CWS/CMS.
- 2.2. The Senior Staff Services Analyst will reference the email notifications from Employee Services regarding CWS staff member unit changes or separations as notification to make the necessary updates in CWS/CMS.
- 2.3. The Senior Staff Services Analyst will maintain a record of individuals with Sensitive Person privilege and review it annually to ensure its accuracy.
- 2.4. Questions regarding the sensitive status of referrals or cases under the jurisdiction of another county should be directed to that county.

**3. Determining when to Mark a Referral or Case as Sensitive**

- 3.1. A referral or case must be marked sensitive if it falls within one of the following categories:
  - 3.1.1. **CWS Employee** – this includes CWS staff or interns
  - 3.1.2. **CWS Employee Relation** – this includes any persons with a close or familial relationship to a CWS Employee (spouse, domestic partner, family member, close friend, child, associate, etc.)
  - 3.1.3. **CWS Associate** – this includes any person who has a close working relationship with CWS, including other DHHS employees whose position requires a close working relationship with CWS. For the purpose of this P&P, close working relationship is defined by any person who has a minimum of one contact per week with CWS staff regarding direct client services.
  - 3.1.4. **Elected Official** – this includes any person who has political visibility or is a public official

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- 3.1.5. **High Profile/Media** – referrals or cases considered high profile or in the media
- 3.1.6. **CWS Director Specified** – referrals or cases deemed sensitive by the CWS Director

*Note: the above list is not all-inclusive and other reasons for marking a referral/case as sensitive may arise. Staff should consult with their supervisor to determine if a suggestion to mark a referral/case as sensitive should be made to the CWS Director.*

**4. Marking a Referral or Case as Sensitive**

- 4.1. If it is determined that a referral or case should be marked sensitive, based on the criteria outlined in Section 3, the SWS and PM for the impacted referral/case shall be notified. The PM will inform the Senior Staff Services Analyst and provide the following information:
  - 4.1.1. Referral/Case Number
  - 4.1.2. Reason for sensitive indicator (listed in section 3.1)
  - 4.1.3. Name of person with conflict
- 4.2. Upon receipt of the above information, the Senior Staff Services Analyst will mark the referral/case sensitive in CWS/CMS. The reason for the sensitive indicator will be entered in the Limit Access comment box. The name of the person with the conflict will be documented in a tracking sheet outside of CWS/CMS.
- 4.3. The Senior Staff Services Analyst will notify the Clerical Supervisor and Clerical Senior Office Assistants that a referral/case has been marked sensitive in CWS/CMS. Clerical staff will mark the referral/case sensitive in the Client Information Card System (CICS) and store the hardcopy case file in the designated confidential filing cabinet.

**5. Sensitive Referral and Case Tracking**

- 5.1. The Senior Staff Services Analyst will maintain a tracking sheet outside of CWS/CMS to document the reason for referrals and cases marked sensitive, and will review it annually to ensure it is current and accurate. The tracking sheet will be saved in the *SSB CONFIDENTIAL CWS CQI/Sensitive Referrals and Cases* folder.
- 5.2. The purpose of this tracking sheet is to serve as a reference tool so that CWS can ensure that records marked sensitive or sealed still meet criteria for Limited Access functionality.

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5.3. The tracking sheet will include the following information:

- 5.3.1. Referral/Case Number
- 5.3.2. Start/End Dates
- 5.3.3. Access Limit Type (sensitive or sealed)
- 5.3.4. Access Limit Date
- 5.3.5. Access Limit Reason (listed in section 3.1)
- 5.3.6. Name of person with conflict
- 5.3.7. Date Last Reviewed
- 5.3.8. Approval Needed to Remove
- 5.3.9. Approved By
- 5.3.10. Indicator Removal Date

**6. New Referrals Involving Sensitive Clients**

- 6.1. When a new referral is received that involves a client of a referral or case previously marked sensitive, the screener will take the report and notify their supervisor of the new referral and that it involves a sensitive client.
- 6.2. When a new referral is received on-call that involves a client of a referral or case previously marked sensitive, and the on-call social worker does not have Sensitive Persons privilege, the social worker will take the report off-line and immediately contact the on-call supervisor who will conduct the CWS/CMS search history and determine if they need to enter the referral in CWS/CMS before the next business day.
  - 6.2.1. See *P&P 09-80 Child Welfare Services (CWS) Referrals on Department of Health And Human Services (DHHS) Employees* for guidance regarding the handling of CWS referrals and cases involving DHHS employees.

**7. Removing a Sensitive Indicator**

- 7.1. If it is determined from the annual review, or based on new information received, that a referral or case no longer needs to be marked as sensitive, the Senior Staff Services Analyst will be notified.
  - 7.1.1. **CWS Employee** – sensitive indicator will be removed upon one year from employee’s separation from the County; no approval is required
  - 7.1.2. **CWS Employee Relation** – sensitive indicator may be removed upon employee’s separation from the County; no approval is required

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- 7.1.3. **CWS Associate** – sensitive indicator may be removed upon termination of working relationship with CWS; requires approval from Program Manager or higher
- 7.1.4. **Elected Official** – sensitive indicator may be removed upon exit from office; requires approval from Deputy Director or higher
- 7.1.5. **High Profile/Media** – sensitive indicator may be removed in no less than one year after end of media coverage; requires review and approval from Deputy Director or higher
- 7.1.6. **CWS Director Specified** – requires approval from CWS Director

7.2. The Senior Staff Services Analyst will notify the Clerical Supervisor and Clerical Senior Office Assistants that the sensitive indicator has been removed from a referral/case in CWS/CMS. Clerical staff will remove the sensitive indicator from CICS and retrieve the hardcopy case file from the designated confidential filing cabinet to return to the closed files storage area.

**8. Sealed Referrals and Cases**

- 8.1. Per ACL 17-23, the sealing of a case or referral in CWS/CMS should be limited to those child welfare/probation foster care records that have been sealed by a court order pursuant to W&IC Section 389, 781, or 786, or other applicable statute.
- 8.2. If it is determined that a referral or case should be sealed by court order, the PM will inform the Senior Staff Services Analyst and provide the following information:
  - 8.2.1. Referral/Case Number
  - 8.2.2. Date of court order
- 8.3. Upon receipt of the above information, the Senior Staff Services Analyst will mark the referral/case sealed in CWS/CMS. The date of the court order for the sealed indicator will be entered in the Limit Access comment box.
- 8.4. The Senior Staff Services Analyst will notify the Clerical Supervisor and Clerical Senior Office Assistants that a referral/case has been marked sealed in CWS/CMS. Clerical staff will mark the referral/case sealed in CICS and move the hardcopy case file to the designated confidential filing cabinet.

**9. File Maintenance**

- 9.1. For open referrals/cases marked sensitive in CWS/CMS, the assigned SW will keep hardcopy case files in a locked cabinet when not in use.

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- 9.2. Closed referrals/cases marked sensitive or sealed in CWS/CMS will be stored in a designated confidential filing cabinet maintained by the Clerical Supervisor and Clerical Senior Office Assistants.
- 9.3. If the sensitive indicator is removed from a referral/case, the hard copy files may be returned to the closed files storage area.

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