

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

November 27, 2007

MEMORANDUM**What's Inside:**

Reminder of expungement policy with new guidelines for destruction of records

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF

FROM: PAULA NEESE, DIRECTOR

SUBJECT: NEW PROCESS TO FOLLOW FOR EXPUNGEMENT OF CA/N REPORTS PENDING THE IMPLEMENTATION OF A SYSTEM-GENERATED EXPUNGEMENT PROGRAM IN FACES

DISCUSSION:

The purpose of this memorandum is to remind staff of State Statutes and policies regarding the expungement of child abuse/neglect records, and to advise of new procedures until a system-generated program in FACES becomes available.

In accordance with RSMo 210.152, staff must assure that qualifying CA/N reports are removed from the FACES database and paper records physically destroyed as specified.

Child Welfare Manual Section 5, Chapter 4.1 has guidelines for determining when cases qualify for expungement and contains a schedule table for quick reference. The schedule is based on varying factors (such as the date the report was received or the type of report it is) and should be carefully followed when determining if a report meets the criteria for destruction.

Policy pertaining to reports made out of harassment or retaliation remains in effect, and can be found in Child Welfare Manual Section 2, Chapter 4.3.10.

Cases that qualify for expungement will need to be removed from the FACES database by entering the incident/case call number into FACES on the "Immediate Deletion of a Report" screen until further notice.

In addition, staff must use this process for CA/N reports that are overturned during the alleged perpetrator appeal process. If a CA/N report is overturned to unsubstantiated (through an administrative review, CANRB, or Judicial Review) and time has elapsed so that it meets expungement criteria, it is imperative for the incident/case call number to be entered into FACES on the "Immediate Deletion of a Report" screen, and for the paper file to be disposed of immediately.

Local protocols must be developed to determine the process for which this will occur, including who will be responsible for monitoring the destruction of the paper file and entering the case number information into FACES for deletion.

Local offices shall immediately begin keeping a log of all files disposed of, including the case call/ incident number, until further notice. Circuits should also regularly utilize the expungement batch report in Mobius to monitor cases which have been deleted, and make sure all cases listed have been destroyed. This will allow for monitoring of expunged cases until the successful implementation of a system-generated program in FACES. Future notice will be provided by FACES once the system-generated expungement program becomes active. Until then, Circuit Managers must be conscientious in their oversight of this destruction process.

NECESSARY ACTION:	
1. Review this memorandum with all Children’s Division staff. 2. All questions should be cleared through normal supervisory channels and directed to:	
PDS CONTACT: Meliny Staysa 573-522-8620 Meliny.J.Staysa@dss.mo.gov	PROGRAM MANAGER: Kathryn Sapp 573-522-5062 Kathryn.Sapp@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS:	
Section 5, Chapter 4.1 CA/N Reports Section 5, Chapter 4.1.4 Unable to Locate Records	
REFERENCE DOCUMENTS and RESOURCES:	
Section 2 Chapter 4.3.10 Reports Made out of Harassment or Retaliation	
REVISED MISSOURI STATUTES:	
210.152 RSMo. Child Protection and Reformation	