

Memorandum

CD25-23

ISSUED DATE: November 3, 2025

TO: ☒ Children's Division ☒ Contracted Staff ☒ Residential Contractors

FROM: Sara Smith, Children's Division Director

SUBJECT: Psychotropic Medication Record Retention

RATIONALE:

Provide an update on the status of "CHANGES TO CASE RECORD MAINTENANCE AND ACCESS" as directed by Director's memo TD17-09. Clarification on the new requirements relating to the preservation of medical records pertaining to psychotropic medications for children/youth in foster care.

OVERVIEW:

Records relating to the treatment or potential treatment of foster children with psychotropic medications must be preserved in either an approved electronic database or in physical form. CD will no longer send the "Litigation Hold" reminder to staff. This memo supersedes Director's Memo TD17-09.

On June 12, 2017, a lawsuit was filed against Children's Division (CD), related to the use of psychotropic medications for children/youth in foster care.

On November 17, 2017, Director's memo TD17-09 was circulated, which instructed all CD, Foster Care Case Management (FCCM), and Residential Contractor (RC) staff to maintain in the case file records any type of paper documents/records that relate in any way to the potential or actual treatment of any foster child with psychotropic medications. The memo provided a list of the types of paper documents/records that were required to be retained even if the information was entered into an electronic system (i.e., OnBase). These documents/records were required to be kept in the case file until further notice. To comply with the requirement each year an e-mail reminder called a "Litigation Hold" was sent to all CD, FCCM, and Residential Contractor staff.

CD and the parties involved in the lawsuit collaborated and mutually contributed to the preparation of the [Joint Settlement Agreement \(Agreement\)](#), which became effective on December 5, 2019. The Agreement required CD to maintain sufficient records that would demonstrate compliance with all of the requirements in the Agreement and allowed for those records to be kept as physical paper copies or in an electronic format.

Effective immediately, CD, FCCM, and RC staff are instructed as follows:

- Records relating to the treatment or potential treatment of foster children with psychotropic medications must be preserved in *either* an approved electronic database *or* in physical form.
 - For CD and FCCM staff, the approved electronic database is OnBase.
 - For residential contractors, they should use their entity's approved records database.

- Email and local hard drives are not considered appropriate electronic storage.
- Preservation of records relating to psychotropic medication in physical form is no longer required except when preservation in electronic form is not feasible due to the size or nature of the records.
- No physical records relating to psychotropic medication should be destroyed or marked for destruction until staff have verified that the records have been saved electronically.
- All other requirements of the Agreement are unchanged.
- If there are any questions about the retention of these records, please contact: Melissa Kenny, Melissa.L.Kenny@dss.mo.gov .

NECESSARY ACTION:

1. Review this memorandum with all Children's Division FCCM and Residential contractor staff
2. Review revised Child Welfare Manual chapters and forms as indicated below.

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NEW/REVISED CHILD WELFARE MANUAL POLICY AND COLLATERAL DOCUMENTATION:

4.3.2 Medical and Behavioral Health Case Management