



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

March 20, 2017

ALL COUNTY LETTER (ACL) NO. 17-23

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL COUNTY ADOPTION AGENCIES
ALL ADOPTION REGIONAL AND FIELD OFFICES
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: SENSITIVE AND SEALED RECORDS AND LIMITED ACCESS
PRIVILEGES IN THE CHILD WELFARE SERVICES/CASE
MANAGEMENT SYSTEM (CWS/CMS)

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTION 389;](#)
[W&IC SECTION 781;](#) [W&IC SECTION 786;](#) [HEALTH AND](#)
[SAFETY CODE \(HSC\) SECTION 1255.7;](#) [ASSEMBLY BILL \(AB\)](#)
[1048 \(CHAPTER 567, STATUTES OF 2010\);](#) [ALL COUNTY](#)
[INFORMATION NOTICE \(ACIN\) I-13-09;](#) [ACIN I-88-10](#)

The purpose of this ACL is to provide counties with information and guidance regarding *Limited Access* functionality in CWS/CMS. Specifically, this ACL provides guidance on when counties should limit access to records by marking them as sensitive or sealed in CWS/CMS. This ACL also provides guidance for counties on the process of assigning Limited Access privileges in CWS/CMS. Limiting the number of sensitive and sealed records and the number of staff with Sensitive Persons privilege or Sealed privilege will help ensure that the functionality is used as originally intended and will help aid in the integrity of data in CWS/CMS.

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. It is important to note that the Sensitive and Sealed Limit Access commands are two different commands, and that the Sensitive and Sealed privileges are two different privileges. Marking a record as *sensitive* imposes a stricter access restriction on the record than if the record had non-limited access. Marking a record as *sealed* imposes the strictest access restriction on the record, and is not the same as marking a record as sensitive.

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.

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 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.

The State has found that cases and referrals are being marked inappropriately by using the sensitive and sealed designations. There is also an unnecessarily high number of staff who have the Sensitive Persons and Sealed privileges who may not need these privileges at the present time.

CONSEQUENCES OF INAPPROPRIATE SEALING

Sealing cases or referrals inappropriately has numerous negative consequences, including but not limited to the following:

- Sealed records, including previous referrals and history, are not available for review in CWS/CMS at intake. This may limit the information available at intake to assess child safety.
- Any clients included in any sealed case or referral are not returned in search results, which may also have implications for intake and child safety.
- Sealed records are not included in SafeMeasures reports, including disaster preparedness reports.
- Inappropriately sealing a case would cause California to incorrectly miss reporting on these children to the Adoption and Foster Care Analysis and Reporting System.

- Sealed records are not readily available for state staff to review for reporting and auditing purposes.

APPROPRIATE USE OF THE SENSITIVE CASE/REFERRAL COMMAND AND SENSITIVE PERSONS PRIVILEGE

Marking a case or referral as sensitive should be limited and only assigned to those records that could attract attention, curiosity and extra interest from staff who do not have a professional need to directly access them. Examples of highly sensitive cases that could be marked sensitive are those in which a child has died as a result of abuse or neglect, a well-known public figure is involved, or an employee or family member may be at risk if confidential information is released. See [ACIN No. I-13-09](#) for more information.

The CWS/CMS County Administrators and Single Points of Contact (SPOCs) are urged to examine the number of staff in their counties who have the Sensitive Persons privilege and consider removing this privilege from staff who do not need access to sensitive cases. The Sensitive Persons privilege should only be given to staff who need to mark cases or referrals as sensitive or access sensitive cases or referrals. The CWS/CMS County Administrators and SPOCs are also encouraged to consider implementing an oversight process to regularly track and review which staff have this privilege. Limiting the number of users who have the Sensitive Persons privilege will ensure that the functionality of the Sensitive Case/Referral command and the Sensitive Persons privilege remain effective.

APPROPRIATE USE OF THE SEALED CASE/REFERRAL COMMAND

The sealing of a case or referral in CWS/CMS should be limited to those records that have been sealed **by a court order** pursuant to W&IC Section [389](#), [781](#), or [786](#), or other applicable statute. Staff should review their cases and referrals to ensure that the only records that are sealed in CWS/CMS are those that have an appropriate court order directing the sealing of the child welfare agency case files or child welfare/probation foster care records. If staff are not sure if a court order applies to their CWS/CMS records, they should work with their county counsel to make that determination or seek clarification from the court.

SAFE SURRENDERS

The Sealed Case/Referral Command should NOT be used to seal Safely Surrendered Baby (SSB) cases in CWS/CMS. The SSB cases are made confidential by the use of non-identifying names (i.e., "Jane Doe" and "SSB Baby"). Please see [Health and Safety Code 1255.7](#) and [ACIN No. I-88-10](#) for more information. Sealing of Safe Surrender cases in CWS/CMS impedes the State in the fulfillment of its statutory reporting requirements under Section 2 of [AB 1048](#) (Torrico, Chapter 567, Statutes of 2010). Counties shall ensure that the required confidentiality of SSB cases is

maintained by consistent use of pseudonyms for the surrendering parent and child in all documents and records. Counties may, at their discretion, mark SSB referrals and cases as sensitive to reduce the number of individuals who have access to these cases. However, due to the nature of the requirement that all SSBs be counted and reported to the Legislature, counties shall not seal any Safe Surrender referral or case in CWS/CMS unless under specific court order.

STAFF WITH SEALED PRIVILEGE

The original intent of the CWS/CMS Project was to limit the Sealed privilege to the CWS/CMS Global Administrator and designated CDSS Personnel. However, all of the counties now have staff who have the Sealed privilege. The CWS/CMS County Administrators and SPOCs are urged to examine the number of staff in their counties who have the Sealed privilege and consider removing this privilege from staff who do not need access to sealed cases. The Sealed privilege should only be needed to seal records pursuant to a court order or to access sealed records pursuant to a court order or as otherwise allowed by statute. There should be a limited number of staff in each county who have the Sealed privilege.

County Administrators and SPOCs are also encouraged to consider implementing an oversight process to regularly track and review which staff have this privilege. Once staff have completed their assignments requiring the Sealed privilege, the Sealed privilege should then be removed. Limiting the number of users who have the Sealed privilege will ensure that the functionality of the Sealed case/referral command and Sealed privilege remain effective.

Counties needing additional assistance regarding Limit Access functionality and privileges should contact their System Support Consultant at the Office of Systems Integration. For any other questions, please contact the Program Policy Team of Child Welfare Digital Services at (916) 891-3100.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division