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To: South Dakota Council on Juvenile Services, Child Welfare Records Committee

From: Merlin D. Weyer, Assistant Division Director  
Division of Child Protection Services

Subject: Procedures for Release of Child Protection Services Information-SDCL 26-8A-13.1

This memo is for the purpose of providing information on the procedures that the Department of Social Services and the Department of Corrections will use to comply with the release of records specified within South Dakota Codified Law (SDCL) 26-8A-13.1.

SDCL 26-8A-13.1 includes provisions for release of Department of Social Services child abuse and neglect information to the states attorney, court services, the court, and the Department of Corrections for juvenile proceedings held under 26-8B and 26-8C. In addition, the statute includes a provision for release of certain Department of Corrections records to Child Protection Services. Those provisions are: 1) child abuse and neglect central registry checks by the court, court services, or the states attorney of parents or other potential caretakers for placement considerations; 2) child abuse and neglect central registry checks by the Department of Corrections of parents or other potential caretakers for placement considerations; 3) release of request for services history summary, initial family assessments, court reports, and family services agreements (currently titled Protective Services Capacity Case Plan and Services Agreement) or equivalents to the Department of Corrections; 4) release of child protection services records related to the child or child's parents and siblings following receipt of a court order; and 5) release of Department of Corrections information to the Department of Social Services for the development of family service agreements and the Court for disposition purposes.

The processes to be followed for each of those provisions are described in the following sections.

1. Child Abuse and Neglect Central Registry Checks Requested by the Court, Court Services, or States Attorney

The court, court services or states attorney may submit a completed Permission to Screen for Reports of Abuse and Neglect (CP-593) to the local office of Child Protection Services regarding parents or potential caretakers that are being considered for placement of a child involved in proceedings under SDCL 26-8B or SDCL 26-8C. Following receipt of a CP-593, Child Protection Services will screen the name against the South Dakota Department of Social Services child abuse and neglect central registry. Child Protection Services will return the CP-593 to the requesting agency with the results of the screening after it is determined whether the individual's name is or is not on the central registry.

## 2. Child Abuse and Neglect Central Registry Checks Requested by the Department of Corrections

The Department of Corrections may submit a completed Permission to Screen for Reports of Abuse and Neglect (CP-593) to Child Protection Services at 700 Governors Drive, Pierre, regarding parents or potential caretakers that are being considered for placement of a child committed to the Department of Corrections. Following receipt of a CP-593, Child Protection Services will screen the name against the South Dakota Department of Social Services child abuse and neglect central registry. Child Protection Services will return the CP-593 to the Department of Corrections with the results of the screening after it is determined whether the individual's name is or is not on the central registry.

Questions and clarifications between Child Protection Services and the Department of Corrections will first be addressed at the local level between the Division of Child Protection Services supervisor and Regional Manager and the regional Juvenile Corrections Agent Supervisor. If the issue cannot be addressed at the local level, the issue will be referred to the Division of Child Protection Services Assistant Director and the Department of Corrections Director of Juvenile Community Corrections.

Note: In the case where the volume of requests for screening against the Central Registry are high in number, the Division of Child Protection Services and Department of Corrections will need to coordinate to assure that the processing of screenings can be manageable and done in a reasonable timeframe.

## 3. Release of Child Protection Services Records to the Department of Corrections

The Department of Corrections may request copies of certain CPS records regarding children involved in proceedings under SDCL 26-8B or SDCL 26-8C for treatment planning. The request shall be made by letter or via email to the Child Protection Services Supervisor at the office that is within the area where the child resides and include the juvenile's name, date of birth and the circumstances leading to the request for information. Those records include request for services history summary, initial family assessments, court reports, and family services agreements (currently titled Protective Services Capacity Case Plan and Services Agreement) or equivalent documents. Child Protection Services will provide copies of the most current request for services history summary, the most recent initial family assessment, first and most recent court reports, and the most recent family services agreements. Any request for services history that does not include a substantiated report of child abuse or neglect will not be released because of the requirement by SDCL 26-8A-11 that those records with no substantiations or further reports within a three year period be destroyed after three years. Child Protection Services does not have the authority to release HIPAA (medical and psychological records) and educational records.

The contact with the Division of Child Protection Services for the Department of Corrections regarding any questions about the documents will be the Child Protection Services' supervisor.

Questions and clarifications between Child Protection Services and the Department of Corrections will first be addressed at the local level between the Division of Child Protection Services supervisor and Regional Manager and the regional Juvenile Corrections Agent Supervisor. If the issue cannot be addressed at the local level, the issue will be referred to the Division of Child Protection Services Assistant Director and the Department of Corrections Director of Juvenile Community Corrections.

Note: In the case where the volume of requests for documents are high in number, the Division of Child Protection Services and Department of Corrections will need to coordinate to assure that the providing of documents can be manageable and in a reasonable timeframe.

4. Release of Child Protection Services records Related to the Child or Child's Parents and Siblings Following Receipt of a Court Order

The court may issue an order for release of records regarding a child, the child's parents and siblings when the child is involved in a proceeding under SDCL 26-8B or SDCL 26-8C. When Child Protection Services receives an order under this provision that specifies what records are to be released to the court, Child Protection Services will copy that portion of the record specified by the court order related to the child, child's parents and siblings. Child Protection Services does not have the authority to release HIPAA (medical and psychological records) and educational records.

Note: In the case where the volume of requests for records are high in number, the Division of Child Protection Services and the courts will need to coordinate to assure that the providing of records can be manageable and done in a reasonable timeframe.

Fees for records: The Department of Social Services will establish fees related to release of records under this section.

5. Release of Department of Correction Records to the Division of Child Protection Services and the Court.

The Division of Child Protections Services, for the purposes of developing a family service agreement, and the Court, for the purposes of disposition, may request file material on DOC youth. The request shall be made in writing or via email to the regional Juvenile Corrections Agent Supervisor and include the juvenile's name, date of birth and the circumstances leading to the request for information. Material to be provided will include the juvenile's data collection form, intake summary, Youth Level of Services/Case Management Inventory results, institution progress reports, release summaries, discipline reports and any aftercare violation reports.