 <b>Department of Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	4 – Child Protective Services (CPS)
	<b>Part No./Name</b>	2 – Louisiana State Repository and Central Registry
	<b>Section No./Name</b>	Louisiana State Repository and Central Registry
	<b>Document No./Name</b>	4-200 Louisiana State Repository
	<b>Effective Date</b>	July 1, 2018

## **I. STATEMENT OF POLICY**

It is the policy of the Department of Children and Family Services (DCFS) to establish and maintain a State Repository (Repository) of all reports of child abuse and neglect received by the department as per the LA Children's Code, Article 616, and the LA Administrative Code. All information on the Repository is confidential and may only be released in accordance with state law; federal law and regulations; and, the Louisiana Administrative Code.

## **II. PROCEDURES**

The Repository is a sub-system of ACESS data system and is comprised of all case information related to a report of abuse and/or neglect. Information on individuals is included on the Repository automatically when information on reports and investigations are entered into the ACESS CPS Intake and Investigation cases.

The timeframe for the maintenance of information on the Repository is determined by DCFS policy and the records retention schedule filed with the Louisiana Secretary of State's Office for the date in which the investigation occurred.


### **A. INTAKE AND INVESTIGATION REPOSITORY DISPOSITIONS**

The repository includes information on individuals involved in reports and investigations of child abuse and neglect with the following dispositions:

- Non-Report (information from reporter did not meet criteria for report of child abuse or neglect);
- Valid (all Tiers);
- Invalid
- Inconclusive;
- Alternative response family assessment;
- Client non-cooperation;
- Unable to locate;
- Administrative closure;
- False report; and,
- Protective service alerts.

### **B. MAINTENANCE OF CPS INTAKE CASE INFORMATION**

Information on CPS intake cases on families and out-of-home settings closed as not accepted with current or previous DCFS involvement are maintained on the Repository for 18 months, or the record retention period for the closed or active case, whichever is longer. If there is no active or closed case, the not accepted report is maintained for 18

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months. If a subsequent not accepted report involving the same perpetrator is received within the 18 months retention period, all not accepted intake cases are maintained until the most recent not accepted intake case has been maintained for 18 months.

If there are subsequent reports involving the same perpetrator accepted for investigation, all of the not accepted reports are maintained until the longest retention period for the findings for the investigation has elapsed.

## **C. MAINTENANCE OF RECORDS FOR INVESTIGATIONS BY FINAL FINDING**

### **1. Valid Final Findings (All Cases - Family, Restrictive Care Facility, Foster Home, Child Day Care Center and Family Child Day Home Investigations)**


The time frame for the maintenance of information in an investigation with a valid final finding is determined by the Tier for the allegation(s) with a valid finding. Refer to Section 4-220, Tiered Validity System for information on the Tiers. The following lists the time frames for maintenance of the information on the Repository based on the Tier assignment.

- Tier I allegations are retained indefinitely; and,
- Tier II, III, IV, and V allegations are retained for 18 years from the date of the final finding.

### **2. Invalid Final Findings (All Cases - Family, Restrictive Care Facility, Foster Home, Child Day Care Center and Family Child Day Home Investigations)**

Information on invalid findings is only maintained on the Repository. Children's Code, Article [615 E.](#), requires maintenance of the information for seven years after the determination of an invalid finding in a family investigation, unless there is another investigation involving the same perpetrator. When there is an invalid or inconclusive finding for the subsequent family investigation all the information is maintained until the youngest child in the alleged victim's family at the time of the investigation attains the age of eighteen years or seven years from the date of the latest determination, whichever is longer. The client is notified of the finding for the investigation and the maintenance of the information about the investigation with the CPS Form 471, Notice to Subject of an Invalid Report.

Information on an invalid finding for an investigation in an out of home setting (foster home, restrictive care facility, child day care center and family child day care home), is maintained for seven years after the determination of the finding, unless there is another investigation involving the same perpetrator. When the finding for the subsequent investigation is invalid or inconclusive, all the

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information is maintained for another seven years. The client is notified of the finding for the investigation and the maintenance of the information about the investigation with the CPS Form XI-B, Notice to a Facility of an Invalid Finding; or, CPS Form XI-D, Notice to a Foster Parent of an Invalid Final Finding for a Child Protection Investigation, as applicable to the type of out of home setting.


The statute further states that the information on the invalid finding is confidential and is for the exclusive use of child protective services to assist in future risk and safety assessments. It may not be disclosed or ordered to be produced in conjunction with any legal proceeding, except as authorized by law.

If information from an invalid report is used as part of the basis for a later, related, and valid report the invalid report shall become part of the file of such valid report and shall cease to be a separate report. All the information is maintained until the retention period for the valid finding has elapsed. In this situation, the case documentation must clearly reflect the case association. The Investigative Summary for the Invalid investigation is to be attached to the valid investigation.

### **3. Inconclusive Final Findings (All Cases - Family, Restrictive Care Facility, Foster Home, Child Day Care Center and Family Child Day Home Investigations)**

Information on investigations with final findings of inconclusive is maintained on the Repository (ACCESS) for seven years unless there is another investigation involving the same perpetrator. In that case, the information will be maintained until the youngest child in the alleged victim's family at the time of the investigation attains the age of eighteen years or seven years from the date of the latest determination, whichever is longer. The client is notified of the finding for the investigation and the maintenance of the information about the investigation with the CPS Form 474, Notice to Subject of an Investigation with an Inconclusive Finding.

When the final finding for an investigation in an out of home setting (foster home, restrictive care facility, child day care center and family child day care home) is inconclusive, the information is maintained for seven years after the determination of the finding, unless there is another investigation involving the same perpetrator. When the finding for the subsequent investigation is invalid or inconclusive, all the information is maintained for another seven years. The client is notified of the finding for the investigation and the maintenance of the information about the investigation with the CPS Form XI-E, Notice to a Facility of an Inconclusive Final Finding.

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If information from the inconclusive report is used as part of the basis for a later, related, and valid report the inconclusive report shall become part of the file of such valid report and shall cease to a separate report. All the information is retained until the retention period of the valid finding has elapsed. In this situation, the case documentation must clearly reflect the case association. The Investigative Summary for the inconclusive investigation is to be attached to the valid investigation.

[Article 615 \(E\) \(2\)](#) requires the maintenance of information on inconclusive and invalid findings for any civil litigation or criminal proceeding against the Department or an employee when work performance or conduct is at issue. The information must be maintained during the pendency of the litigation or prosecution. Refer to Administrative Policy Section [1-515 E.](#) and Section [1-525 A.](#) for release of information in accordance with this Article.

#### **4. Other Final Findings**


Information on all types of investigations for which the final findings are client non-cooperation will be maintained for seven years and Unable to Locate cases will be maintained for three years unless there is a subsequent investigation involving the same perpetrator. If there was a subsequent Alternative Response Family Assessment prior to August, 2014, all records will be maintained until the longest retention period for the investigations with valid findings and assessments has elapsed.

### **D. MAINTENANCE OF INFORMATION ON ALTERNATIVE RESPONSE FAMILY ASSESSMENTS (ARFA)**

Intake cases with a report type of Alternative Response Family Assessments are maintained on the Repository for at least seven years from the closure of the assessment case. When there are subsequent investigations or assessments (prior to August, 2014) involving the same perpetrator, all information will be maintained until the longest retention period for investigations with valid findings and assessments has elapsed.

### **E. PROTECTIVE SERVICE ALERTS**

Protective Service Alerts (PSA) from other states are retained on the Repository for one year and one day from the month the information is entered into ACESS when they are not associated with DCFS cases. PSA's associated with DCFS cases are retained for the retention period for the associated DCFS case.

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## F. EXPUNGEMENT OF RECORDS

The information on the Repository is maintained in ACCESS and is expunged the day following the end of the records retention period, unless the case is involved in litigation. Records of cases involved in litigation shall not be expunged pending resolution of the litigation. Expungement means that all identifying information is deleted from the system. It requires no action by the worker or the client.

## III. FORMS AND INSTRUCTIONS

[Form XI-B](#), Notice to a Facility of an Invalid Finding

[Form XI-D](#), Notice to a Foster Parent of an Invalid Final Finding for a Child Protection Investigation

[Form XI-E](#), Notice to a Facility of an Inconclusive Final Finding

[Form 471](#), Notice to Subject of an Invalid Report

[Form 474](#), Notice to a Subject of an Investigation with an Inconclusive Finding

## IV. REFERENCES

Louisiana Children's Code, Articles 615 and 616

LAC 67:V.1101

LAC 67:V.1105