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TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 20 – STATE AGENCY RECORDS RETENTION SCHEDULES

PART 8 – OFFICE OF THE CHILD ADVOCATE RECORDS (CA)

8.1 Purpose, Authority, Severability, and Destruction

8.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

8.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 (“Public Records”), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

8.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

8.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

CA1 **Child Welfare Unit**

CA1.1 **Inquiry/Complaint Form**

Form used to document initial response to inquiries or complaints and information about the nature of the complaint; the latter may be about the welfare of a child or about the Child Welfare Unit. Form includes, but is not limited to, coding for type of caller (judges, attorneys, children, service providers, social workers); referrals; requests for information or intercession; and complaints. Form is filed by initial date of contact.

Retention: Retain seven (7) years.

CA1.2 **DCYF Investigative Report**

Duplicate copy of DCYF Child Protective Services (CPS) report. Report received by Child Advocate as required by law as notification of all abuse and neglect complaints about children under DCYF's care. Report may include, but is not limited to, entire investigation file, interviews, child's statement, post-CPS involvement (e.g., contact with local police department), physician's report of examination, mental health reports/interviews, incident reports, whether a complaint is founded or unfounded, and child protective investigator's recommendations. (R.I. Gen. Laws § 40-11-7)

Retention: Retain seven (7) years.

Note: After report is filed if no further action is needed, cases are arranged chronologically. If there is a need for further action, the OCA may recommend a specific remedy or may initiate formal review resulting in CA1.4 (Child Death Review/Special Task Force Reports), CA1.6 (Site Review Investigation File), or CA1.7 (Children's Bill of Rights Violation File).

CA1.2A **No Further Action Taken**

Retention: Retain three (3) years.

CA1.2B **Recommendation Made**

Retention: Transfer to CA1.3 (Task Force/Special Panel Workpapers).

CA1.2C **Formal Review Initiated**

Retention: Transfer to CA1.4 (Child Death Review/Special Task Force Reports),

CA1.6 (Site Review Investigation File), or
CA1.7 (Children's Bill of Rights Violation
File).

CA1.3 Task Force/Special Panel Workpapers

All documentation created as a result of the formation of a special task force or special panel created due to the need to monitor quality of care issues or to comply with legally mandated issues. File may include, but is not limited to, witness testimony and notes, statistics, copies of policies, regulations, recommendations, findings and review of medical and mental health records (CA1.4 (Child Death Review/Special Task Force Reports)).

Retention: Retain seven (7) years from issuance of report.

CA1.4 Child Death Review/Special Task Force Reports

Reports are published in response to a review by a Child Death Panel or special task force. Reports are broad in scope and do not contain confidential information about individual children under DCYF care. Purpose of reports is to document efforts to affect positive change in child welfare system; to educate the public; to make recommendations; and to identify problems.

Retention: Permanent.

CA1.5 Voluntary Placement Case File

Includes, but is not limited to, confidential information about individual children whose parents have voluntarily agreed to place children under DCYF care, and status of case. Child Advocate's role is to consult with DCYF if placement is inappropriate (places child at risk). If necessary, Family Court intervention may be requested. (Pub. L. No. 105-89 (US Adoption and Safe Families Act); R.I. Gen. Laws Chapter 157-7 and §§ 40-11-12.1 and 42-72-15)

Retention: Retain thirty (30) years after case is closed.

CA1.6 Site Review Investigation File

Investigations by Child Advocate conducted annually, or as complaints warrant, of conditions at state-licensed residential placements such as shelters, group homes, and residential facilities. File may include, but is not limited to, resident comments; behavioral management and health policies; condition of physical plant; social and recreational programming; independent living preparation; and staffing ratios.

Retention: Retain for life of site plus seven (7) years.

CA1.7 Children's Bill of Rights Violation File

Investigation file created by the Child Advocate as a result of a complaint (CA1.1 (Inquiry/Complaint Form)) or DCYF Investigation Report (CA1.2 (DCYF Investigative Report)). Purpose of investigation is to ensure that the legal and civil rights of children under DCYF care are protected. Includes, but is not limited to, incident report (copies of reports by staff of residential facilities and group homes); Family Court records (may seek declaratory and injunctive relief from a system problem, e.g., a facility policy on strip searches or overcrowding at the Training School).

Retention: Retain thirty (30) years from original complaint/ inquiry.

Note: Information needed for monitoring is transferred to CA1.6 (Site Review Investigation File).

CA1.8 Office of the Child Advocate Annual Report

Report submitted annually to the governor, other general officers and members of the general assembly summarizing the Office's yearly activities and recommending changes to improve the child welfare system in Rhode Island.

Retention: Retain one (1) copy permanently.

CA2 Education Surrogate (Foster) Parent Program

CA2.1 Special Education Case File

Case files for special needs children for whom the Child Advocate acts as surrogate parent because children are under care of DCYF and parents are unable to make educational decisions for them. File may include, but is not limited to, child's DCYF case plan, Individual Education Plan (I.E.P.), medical/mental health records, DCYF correspondence, court reports and CPS (Child Protective Services) reports. (Pub. L. No. 94-142 (US Individuals with Disabilities Education Act), 20 U.S.C. § 1400, and 42 U.S.C. § 670 et seq.)

Retention: Retain seven (7) years.

CA2.2 Department of Education Contracts

Defines responsibilities of Child Advocate in providing services on behalf of the Department of Education such as training volunteers to review the I.E.P., school placements and accommodations, and children referred to the Education Surrogate Parent program. The Child Advocate

implements a case tracking system and procedures to track students moving from residence to residence and surrogate parents' performance at least quarterly. OCA ensures community representation. Includes contract, account information and all correspondence with RIDE.

Retention: Retain seven (7) years.

CA2.3 Education Surrogate Parent Program Advisory Committee File

Consists of eight members representing the State Advisory Committee for Special Education, the Foster Parent Association, the Parent Support Network of Rhode Island, a community-based organization serving minority populations, a representative of the Association of Rhode Island Administrators of Special Education, a community-based children's advocacy organization, and representatives of the OCA and the RI Department of Education. Committee meets quarterly to advise Program on relevant issues. File is comprised of minutes, agendas and related materials.

Retention: Record copy kept by Department of Education. Retain OCA representative's copy permanently.

CA2.4 Surrogate Parents Program Quarterly Report

Each quarter a report is produced assessing the performance of all Education Surrogate Parents which will lead to creation of an annual budget summary. In addition, report may include federal and state financing data, budget projections, and summary of expenditures. Report is submitted to state budget office. An abbreviated version with reference to federal financial accounts is submitted to RI Department of Education.

Retention: Permanent.

CA2.5 Surrogate Program Volunteer Case Files

Training files of individual volunteers (foster parents) who participate in the Child Advocate's Surrogate Program. File documents that training occurred, child's interest was represented and dates of service. File may include but is not limited to signed statement that volunteer agrees to represent child (original in file, copy to volunteer), training materials and responses to semi-annual inquiries sent by OCA to the volunteer for a report on the status of the child.

Retention: Retain seven (7) years from last service.

CA2.6 Surrogate Program Training File

Standard packet orients volunteers to duties and responsibilities. File may include, but is not limited to, copies of relevant laws, procedures and policies.

Retention: Retain one (1) copy permanently.

Note: OCA must retain one copy permanently to document training expectations at time person volunteers.

CA2.7 Surrogate Program Trainees Listing

Record in both electronic and hardcopy format listing names of trainees in active and inactive sections. Trainees may change active/inactive status frequently. Hardcopy list may be produced several times per week. The database system consists of a series of related databases from which reports are produced, arranged either by trainees' names or trainee numbers. The system contains the following data elements: advocate number, trainee name, address, work and/or home telephone number, and status of trainee (active or inactive).

Retention: Retain hard copy until superseded.

CA2.8 Medicaid Reimbursement File

May include student's name, date of birth, social security number, disability, advocate, date of billing and units (fifteen minutes) of service provided. Record is used for purpose of managed case care reimbursement from federal government.

Note: Retain for whichever period is the longer of the two.

CA2.8A For Administrative Purposes

Retention: Retain ten (10) years.

CA2.8B For Audit Purposes

Retention: Retain three (3) years after audit.

CA3 Administration

See Also: Parts 10-8 (Fiscal Records) and 10-9 (Personnel Records) of this Chapter.

CA3.1 Grant Program Files

Records relating to the development of grant proposals to state or federal agencies and the administration of grant awards and programs.

Records may include, but are not limited to, grant applications and agreements, studies, notices, bid and contract records, accounting, banking, purchasing, and payroll records, bonds, monitoring and performance reports, expenditure and outlay reports, memoranda, and correspondence.

Note: If any litigation, claim, negotiation, audit or other action has been started before the expiration of the ten (10) year period, the records must be retained seven (7) years after completion of the action and resolution of all issues which arise from it.

CA3.1A Grant Applications and Amendments, Final Performance, Disposition and Expenditure Reports

Retention: Permanent.

CA3.1B Financial and Programmatic Records, Periodic Performance Reports, Supporting Documents, Statistical Records, and Other Required and Pertinent Records

Retention: Retain ten (10) years from submission of closeout and final expenditure report or submission of annual financial status report for grants renewed annually.

CA3.1C Real Property and Equipment Records

Retention: Retain three (3) years from the date of disposition, replacement or transfer of property/equipment.

CA3.1D Income Transaction Records (Earning of Income) After Grant Support. Where Required by the Terms of the Grant

Retention: Retain ten (10) years from the end of fiscal year in which the income is earned.

CA3.1E Unsuccessful Grant Applications

Retention: Retain three (3) years.

CA3.2 Certificates of Records Destruction [LEGACY – DUPLICATE]

Certification of Records Destruction forms signed by the authorized agency official and submitted and signed by the State Archivist/Public

Records Administrator. (R.I. Gen. Laws §§ 38-1-10, 38-3-6, and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).