

Case Retention and Purges

(Revised 06/19/20)

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General policy

State regulations require that CWS records must be kept indefinitely when a substantiated report has been filed with the Department of Justice (DOJ) Child Abuse Central Index (CACI).

No case file can be destroyed if there is still an open case/referral on any child in the family. A referral is considered closed when it has been evaluated out or has been approved for closure with an allegation conclusion and disposition. A case is considered closed when it has an approved end case status entered in CWS/CMS.

The tables below outline how long files are stored prior to being destroyed (File Retention) and what items are taken out of case files prior to storing them, for retention, when a case/referral closes (File Purging).

Types of files and file retention schedule

Based on type of case and/or referral, entire CWS folders are destroyed on differing cycles. The table below displays the types of cases and the policy that determines the file retention.

NOTE: CWS file refers to a whole family's entire file/volumes of files.

File Type and Contents	File Retention Date	Legal Authority
CWS files with Evaluated Out referrals	Four years post closure, for all allegations other than sexual abuse. 100 years post closure for sexual abuse allegations.	Welfare and Institutions Code (WIC) 10851(a),(e)

Types of files and file retention schedule (cont.)

File Type and Contents	File Retention Date	Legal Authority
CWS files with unfounded child abuse and/or neglect allegations	<p>Four years post closure, for all allegations other than sexual abuse.</p> <p>100 years post closure for sexual abuse allegations.</p>	WIC 10851(a),(e); Government Code (GC) Sec. 911.4 (c)(1), (c)(2), (A)(B) and (c)(3); California Department Social Services Manual of Policies and Procedures (MPP); CWS Sec. 31-075; CWS Sec. 23-353
CWS files with inconclusive child abuse and/or neglect allegations	<p>10 years post closure, for all allegations other than sexual abuse.</p> <p>100 years post closure for sexual abuse allegations.</p>	Government Code (GC) Sec. 911.4 (c)(1), (c)(2), (A)(B) and (c)(3);
CWS files with substantiated child abuse and/or neglect allegations	100 years (unless the finding is changed to inconclusive or unfounded, then follow above guidelines)	PC 11169(f), (g), (i); GC Sec. 911.4(c)(1)(c)(2), (A)(B) and (c)(3)
Folders for ICPC and out-of-town inquiries	Three years post closure (i.e., current year plus 3 yrs.)	WIC 10851(a),(e); CDSS CWS Sec. 31-075;CWS Sec. 23-353
Unresolved DOJ audits	After resolution of the audit, see above case types for retention policy	Same as the above that are relevant to the case
Fatalities	100 years	WIC 10850.4(n)PC 11169(f), (g), (i); GC Sec. 911.4 (c)(1), (c) (2),(A)(B) and (c)(3)

Types of files and file retention schedule (cont.)

File Type and Contents	File Retention Date	Legal Authority
300(e) cases	None (i.e., Permanent File Retention) Do not purge.	Gov Code 911.4(c)(1), (c)(2), (A)(B) & (c)(3)
300(f) cases		
Referrals/Cases involved in Lawsuits, Claims and Litigation (including licensing files if a claim involved a foster home/other licensed facility)	Same as the above for case type or four years after resolution of the lawsuit or claim, whichever is longer.	Same as each of the above authorities for respective type of referrals/cases Four years after resolution of the lawsuit or claim is consistent with CC records retention procedures.
Adoption Cases	None (i.e. Permanent File Retention) Do not purge.	CDSS Manual; MPP, Adoptions Manual, sec. 35045; CA Code of Regulations Title 22 Sec. 89179.
ICWA Cases	None (i.e., Permanent File Retention) Do not purge.	CDSS Manual of Policies and Procedures; CWS, 31-075
Guardianship Files	100 years	PC 11169
Probate/Independent/Non-Dependent Guardianship Files	After Age 21	GC 26205.1

Types of files and file retention schedule (cont.)

File Type and Contents	File Retention Date	Legal Authority
Foster Home Licensing Case Files	None (i.e., Permanent File Retention) facility closure or inactive status. Retain criminal background and CACI clearance permanently.	CDSS Evaluators' Manual for Foster Home Licensing section 2-3151; All County Letter(ACL) 03-55
Resource Family Approval (RFA) Files/Paperwork	Permanent	RFA Written Directives Section 10-05
Polinsky Children's Center (PCC) Files	Follow retention policy for specific allegation conclusions within file. *If there is active litigation retain file until youngest child has turned 19*	WIC 10851 (a), (e); GC Sec. 911.4 (c)(1), (c) (2),(A)(B) and (c)(3); CDSS CWS Sec. 31-075;CWS Sec. 23-353
PCC Medical Clinic Files	19 years	CA Code Regs. Title 22, Sec. 75055

File contents purging on closed files

Whenever a case or referral is closed, the SW or clerical staff will go through the paper file and shred items that do not need to be retained. The case folder is retained but certain items are pulled out for destruction/shredding. This would include items that are available electronically in CWS/CMS or items that are not deemed as crucial to the case. (As a rule, many items that would be available in CWS/CMS for future access will be purged unless the signature is crucial to possible audits or lawsuits; the paper copy will be maintained only if signed). The following closed file checklist must be followed:

Tab File, Left	Items	Keep	Shred
	Field Tool Worksheet	X (If pre-CWS/CMS, October 1997)	

File contents purging
on closed files
(cont.)

Tab File, Left	Items	Keep	Shred
Adoptions/ Verifications	Social Security Card	X Original	X Copies (keep copy only if no original is on file)
Correspondence	Verifications of birth, marriage, divorce, resident status, etc.	X Original	X Copies (keep copy only if no original is on file)
	Parent/Relative Search Information (Family Trees)	X	
	04-133 & 04-90A PPAU		X
Psych/Medical	Authorization For Medical Care (04-24 and others)	X	
	Authorization for Release of Information and General Release of Information forms (04-24,04-29 and others from external agencies)	X	
	Medical Reports	X	
	School reports from psychologists	X	
	PCC Medical (PCC Medical Record, Admission Physical Exam, etc.)	X	

**File contents purging
on closed files
(cont.)**

Tab File, Left	Items	Keep	Shred
Psych Medical	CHDP Reports (PM 160)	X (If pre-CWS/CMS, October 1997)	
	Evidentiary Exams	X	
	Developmental evaluation documents	X	
	Treatment /Therapy Reports and Psychological Evaluations	X	
School	IEPs (Individualized Education Plan)	X	
Placement	Placement Agreements, information sheets, Correction plans, etc. (including all home approval paperwork)	X (if signed)	
	Dangerous Propensities (04-75), Placement Needs & Service Plan (04-258)	X (if signed)	
	Clothing inventories (21-04, 04-61 and others)		X
	Notice of Response (04-30)	X (shred any attachments)	

**File contents purging
on closed files
(cont.)**

Tab File, Left	Items	Keep	Shred
Financial	All Financial paperwork		X
Drug Testing/ Treatment	All information on drug testing & treatment	X (shred if in CWS/CMS)	
Services	Service Vouchers (13-44, 13-45)		X
	Certificates of Completion		X

Tab File, Right	Items	Keep	Shred
ICWA	ICWA 030	X	
	Tribal Enrollment or Verification; letters/documents	X Original & Copies	
Narrative	Contacts, case notes, Transfer Checklist	X (If pre-CWS/CMS, October 1997)	
Assessments	Safety and Risk Assessment Tools	X (If not in Structured Decision Making Database)	

**File contents purging
on closed files
(cont.)**

Tab File, Right	Items	Keep	Shred
Assessments (cont.)	Language Needs Determination (HHSA 20-46)	X	
	Civil Rights Interpreters Form (20-49)	X	
	Case Consultation forms (04-194)	X	
Case Plans	Signed case plans	X	
	Contact waivers (04-88 and 88A)	X	
Court Reports	Court Officer Summary	X	
	Court Reports (not in CWS/CMS)	X	
	Court Reports (in CWS/CMS) *Keep signature page & attachments*		X
Court Orders	Ex parte & 15-Day Reviews signed by the Court	X	
	Petitions, Court Orders & Minute Orders	X	
	Guardianship orders	X	
	Wanted Notices		X

**File contents purging
on closed files
(cont.)**

Tab File, Right	Items	Keep	Shred
Intake/Law Enforcement	Emergency Response Referral Doc (IN-ERREFR, in lower left corner of form)		X
	Suspected Child Abuse Report (SS 8572 or 04-184)	X	
	Law Enforcement Reports (including police reports, child abuse detective reports, reports to DA)	X	
	Criminal History Request (04-134)		X
Emergency Assistance	EA forms & applications		X
Misc.	ICPC Home Study	X	
	ICPC 100 A & B forms (signed)	X	
	Documents from other courts, including but not limited to: restraining orders, family court reports, etc...	X	
	Photographs	X	

Alignment with SET

This policy aligns with SET [Value 5](#) by ensuring that all parties have mutual understanding of, and respect for, one another's roles, the law, and the rights due to children, youth, and families.
