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| <p align="center"><b>GEORGIA DEPARTMENT<br/>OF JUVENILE JUSTICE</b></p>   | <p align="center">Transmittal # 15-14</p>  | <p align="center">Policy # 5.2</p> |
| <p>Applicability:<br/> {x} All DJJ Staff<br/> {x} Administration<br/> {x} Community Services<br/> {x} Secure Facilities (RYDCs and YDCs)</p>  | <p>Related Standards &amp; References:<br/> O.C.G.A. §49-4A-8(d)(2), §15-11-709, §15-11-8,<br/> ACA Standards: 3-JDF-1A-06; 3-JDF-1C-22; 3-JDF-1E-01, 3-JDF-1F-06, 4-JDF-1C-22; 4-JCF-3A-21; 4-JCF-4C-41, 4-JCF-6F-01, 02, 03.<br/> DJJ 1.9, 5.1, 5.2, 5.4, 5.5, 5.11, 20.1.</p> |                                    |
| <p>Chapter 5: RECORDS MANAGEMENT</p>  | <p>Effective Date: 11/20/15</p>  |                                    |
| <p>Subject: CASE RECORDS</p>  | <p>Scheduled Review Date: 11/20/16</p>   |                                    |
| <p>Attachments:<br/> A – DJJ Secure Facility Case Records Format<br/> B – DJJ Community Case Records Format<br/> C – Case Management Transfer Form<br/> D – Authorization for Release of Information<br/> E – Memorandum of Understanding with the Georgia Department of Human Resources<br/> F – Notice of Release From Confinement/Custody<br/> G – Case Management Monitoring Tool</p> | <p>Replaces: 4/15/12<br/> Administrative Services Division<br/> APPROVED:<br/> <br/> <hr/> Avery D. Niles, Commissioner</p>  |                                    |

**I. POLICY:**

The Department of Juvenile Justice shall maintain an individual case record for each youth. The Department shall manage case records to safeguard the confidential and privileged nature of the information. All case management services shall be documented in the case record in a timely, accurate, and consistent manner. Case records shall be secured in a designated, locked location.

**II. DEFINITIONS:**

**BIRP Format:** The organized format by which counseling staff document encounters with youth. The Behavior portion of the note includes the youth’s behavior, as observed by the counselor or reported by the youth or other persons. The Intervention portion of the note includes the counselor’s action to be taken to address the behavior. The Response portion of the note includes the youth’s response to the counselor’s intervention. The Plan portion of the note is used to document what the counselor intends to do in the future.

**Case Record:** An organized compilation of written or electronic (i.e., Juvenile Tracking System, emails, etc.) documents, reports, evaluations, notes, contacts, summaries, and other information pertaining to the provision/coordination of or referral for necessary services. Case records are those that are created and maintained by the Department of Juvenile Justice.

**Confidential/Privileged Information:** Information that is subject to specific limitations on disclosure. Such information must be specifically labeled, handled, and stored in such a way as to guard against accidental or unauthorized disclosure. All case records are confidential/privileged regardless of the youth’s charges or sentencing court.

**Disclosure:** Sharing of information about a youth with persons or organizations outside of the Department of Juvenile Justice.

| Chapter            | Subject      | Policy # | Page   |
|--------------------|--------------|----------|--------|
| RECORDS MANAGEMENT | CASE RECORDS | 5.2      | 2 of 7 |

**Records Coordinator:** The individual staff member designated, in writing, by the Director of a facility/program/office of the Department of Juvenile Justice, to assist with the records management process in his/her work unit.

**Records Custodian:** The individual designated by DJJ to be the official custodian who can certify and authenticate that the record is produced and kept in the ordinary course of operation (i.e. the Director of a facility/program/office of the Department of Juvenile Justice).

### III. GENERAL PROCEDURES:

- A. Each facility/program/office Director will designate a Records Coordinator, in writing, and one alternate staff person who will assist with the records processes for the work unit. The Records Coordinator will coordinate all activities surrounding case records including, but not limited to: storage, safekeeping, access, use, and disclosure. (See DJJ 5.1, Records Management)
- B. Every youth will have an individual case record that includes information pertaining to the provision/coordination of or referral for necessary services. No duplicate records (i.e., “dummy files”) will be allowed.
- C. Health information will be maintained separately from case records by the designated health authority in accordance with DJJ 5.5, Health Records. Counseling staff will have access to the health record.
- D. In secure facilities, education information will be maintained separately from case records by the education department. (See DJJ 5.4, Education Records) In community services, education information will be maintained in the case record.
- E. Case records will be organized according to the established DJJ Case Records Format (Attachments A and B). The record will be clearly marked on the outside with the youth’s last name, first name, DJJ identification number, and “CONFIDENTIAL.”
- F. DJJ staff will use only official Department forms.
- G. Information entered into the Juvenile Tracking System (JTS) will be considered part of the youth’s case record. This information will not be printed and stored in the paper case record, unless specifically required by policy (i.e., a signature is required by youth and/or parent/guardian). If a JTS document is printed for signature, the signed document must be scanned into JTS. Once scanned and verified that the document is in JTS, the printed JTS document will be destroyed after 30 days, in accordance with DJJ 5.1, Records Management.
- H. All documents will be filed within 5 business days of service rendered.
- I. Facility/program/office Directors will establish local procedures to safeguard the confidentiality of case records. At a minimum, case records will be secured in a locked

| <b>Chapter</b>     | <b>Subject</b> | <b>Policy #</b> | <b>Page</b> |
|--------------------|----------------|-----------------|-------------|
| RECORDS MANAGEMENT | CASE RECORDS   | 5.2             | 3 of 7      |

storage area in a designated location not accessible to youth, but easily accessible to staff responsible for case management.

- J. A youth's case record may be archived, at the discretion of the Records Custodian/designee, when the amount of documentation in the record becomes prohibitive to locating information in the record. Archived volumes of the record must remain organized according to the DJJ Case Records Format and be accessible to all case management staff.

#### **IV. TRANSFERS, RELEASES AND TERMINATIONS:**

- A. When a youth moves to another county in the state, his/her case record will be transferred.
  1. The Juvenile Program Manager of the sending county will complete the Case Management Transfer Form (Attachment C) upon knowledge that the youth is relocating. The completed form will be forwarded to the receiving county within 5 business days along with a copy of the order, Conditions of Supervision, and other information that the receiving case manager will need to supervise the youth. The case record and health record will be mailed or hand delivered to the receiving Juvenile Program Manager.
  2. The receiving Juvenile Program Manager will assign a Community Case Manager and document the assignment and receipt of case management responsibilities in the Juvenile Tracking System within 72 hours of receipt of the Case Management Transfer Form.
  3. The receiving Community Case Manager will contact the youth and parent/guardian to establish reporting requirements. The receiving Community Case Manager will complete the bottom of the Case Management Transfer Form to confirm that arrangements for supervision have been established. The Case Management Transfer Form must be completed, routed through the Juvenile Program Manager, and returned to the sending county within 30 calendar days of receipt.
  4. Probated youth who have had their case formally transferred by a dependent juvenile court to an independent juvenile court will not have his/her case record or health record transferred to the independent court.
  5. When a youth transfers from one DJJ facility to another, the original case record will be transferred at the same time. Duplicates will not be made.
  6. The entire case record (including the folder) will be placed in a sealed envelope(s) labeled "CONFIDENTIAL." The youth's name and destination will be marked on the outside of the envelope.
  7. The record will be forwarded intact (i.e., will not be removed from the folder or placed in a different folder.)

| Chapter            | Subject      | Policy # | Page   |
|--------------------|--------------|----------|--------|
| RECORDS MANAGEMENT | CASE RECORDS | 5.2      | 4 of 7 |

- B. When youth are released or terminated, the facility/program/office will retain the case record as inactive. The record may be maintained in its original folder or sealed in an envelope as long as it remains organized according to DJJ 5.2, Attachments A and B, Case Records Format.
- C. Inactive records will be retained and destroyed in accordance with DJJ 5.1, Records Management.
- D. Case records of youth who have had previous involvement with the Department will be reactivated in JTS upon admission. For community services, the admitting office will contact the last previous office for the youth's case record. For facilities, the admitting facility will contact the last previous facility for the youth's case record. The case record will be sent via overnight delivery.

**V. CASE NOTES AND PROGRESS NOTES:**

- A. Community case management activities will be documented in the JTS case notes.
  - 1. Case notes will reflect the actual service being provided and should be linked to the Service Plan objectives.
  - 2. Case notes will present objective information that does not reflect the personal bias of the writer. The case notes will be factual in nature and reflect the actual service rendered.
  - 3. Case notes for all face-to-face contacts with the youth will be documented in BIRP (Behavior, Intervention, Response, Plan) format.
  - 4. Case notes will be entered into JTS within 72 hours of the contact or service being rendered.
  - 5. Confidential health information (e.g., lab results, mental health diagnoses, medical diagnoses, psychological evaluation results, etc.) will not be entered into the case notes.
- B. Facility case management activities will be documented in the JTS Facility Program Module.
  - 1. Progress notes will reflect the actual service being provided and should be linked to the Service Plan objectives.
  - 2. Progress notes will present objective information that does not reflect the personal bias of the writer. The case notes will be factual in nature and reflect the actual service rendered.
  - 3. Progress notes for group and individual counseling sessions will be documented in BIRP (Behavior, Intervention, Response, Plan) format. (Communication notes may be

| <b>Chapter</b>     | <b>Subject</b> | <b>Policy #</b> | <b>Page</b> |
|--------------------|----------------|-----------------|-------------|
| RECORDS MANAGEMENT | CASE RECORDS   | 5.2             | 5 of 7      |

written to document administrative type meetings, e.g., Service Plan meetings, phone calls, Progress/Release Reviews, dorm meetings, behavior management/modification meetings, etc.)

4. Progress notes will be entered into JTS within 24 hours of the contact or service being rendered.
5. Confidential health information (e.g., lab results, mental health diagnoses, medical diagnoses, psychological evaluation results, etc.) will not be entered into the progress notes.

## **VI. DISCLOSURE OF CASE RECORDS:**

### **A. Disclosure of Youths' Case Records:**

1. The case records of youth are privileged and are not public records.
2. Case records will only be disclosed pursuant to a signed Authorization for Release of Information (Attachment D) or a valid subpoena or court order.
3. The case records of youth will only be disclosed to the youth (if 18 years of age or older) or parent/guardian, with a signed Authorization for Release of Information (Attachment D).
4. The signed Authorization for Release of Information will be immediately faxed or emailed to the Office of Legal Services to determine what records will be disclosed. (The only exception is requests for information from DJJ staff for treatment and/or placement purposes.)
5. When a subpoena or court order is received for youth's records, the subpoena or court order will immediately be forwarded to the Office of Legal Services. The Office of Legal Services will determine what records will be disclosed according to law.
6. Other requests for disclosures not listed above will be referred to the Office of Legal Services. The Office of Legal Services will determine what records can be disclosed pursuant to law.

### **B. Disclosure of information without consent:**

1. Case records may be disclosed to the Georgia Department of Human Services pursuant to the Memorandum of Understanding. (See Attachment E)
2. Confidential information about a youth may be disclosed without written consent to correctional agencies outside of Georgia when a proper request has come through the Interstate Compact on Juveniles.

| <b>Chapter</b>     | <b>Subject</b> | <b>Policy #</b> | <b>Page</b> |
|--------------------|----------------|-----------------|-------------|
| RECORDS MANAGEMENT | CASE RECORDS   | 5.2             | 6 of 7      |

3. When a subpoena or court order is received for youth's records, the subpoena or court order will immediately be forwarded to the Office of Legal Services. The Office of Legal Services will determine what records will be disclosed according to law.
  4. Case Records may be disclosed for statistical analysis in accordance to DJJ 1.9, Research. Other requests for disclosures not listed above will be referred to the Office of Legal Services. The Office of Legal Services will determine what records can be disclosed pursuant to law.
- C. Confidential information about a youth may be shared within the Department without written consent to employees of the Department who request the information demonstrating their need for the information in the performance of their regular duties.
  - D. Health records will be released only in accordance with DJJ 5.5, Health Records.
  - E. When a youth convicted of a felony offense in a Superior Court is released from confinement or custody of the Department, the Department will provide written notice, including the delinquent or designated felony act committed, to the superintendent of the school system in which the youth was enrolled or, if the information is known, the school in which the youth was enrolled or plans to be enrolled. The Community Case Manager/facility Director will provide the written notice on the Notice of Release from Confinement/Custody Memo (Attachment F).
  - F. Case records will be retained and destroyed in accordance with the established retention schedules (See DJJ 5.1, Attachment A). Requests to seal a case record will be referred to the juvenile court. Judicial orders for the sealing of a case record will be forwarded to the Office of Legal Services. DJJ case records will be sealed in accordance with DJJ 5.11, Sealing of Case Records.

## **VII. QUALITY ASSURANCE:**

- A. Community case records will be audited periodically for adherence to Department policy and professional standards in accordance with DJJ 20.1, Community Quality Assurance Monitoring.
- B. For secure facilities, the Juvenile Detention Counselor's supervisor will monitor a minimum of 10% of the case manager's caseload at least quarterly for adherence to Department policy and professional standards. (100% of designated felon cases being supervised in the facility will be monitored every 6 months.)
  1. The Case Record Monitoring Tool (Attachment G) will be used to monitor the record.
  2. Monitoring results will be submitted to the facility Director for corrective action within 30 days.
  3. Corrective action plans will be written as needed within 15 days of receipt of the

| <b>Chapter</b>     | <b>Subject</b> | <b>Policy #</b> | <b>Page</b> |
|--------------------|----------------|-----------------|-------------|
| RECORDS MANAGEMENT | CASE RECORDS   | 5.2             | 7 of 7      |

monitoring report. The Director will approve the corrective action plan, will monitor for completion, and will forward the corrective action plan to the Director of the Office of Programs and Transitional Services.

**VIII. LOCAL OPERATING PROCEDURES REQUIRED: No**