

# 19

## CLOSING A CASE TO FOSTER CARE

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# 19

## CLOSING A CASE TO FOSTER CARE

### 19.1 When to close a case

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#### 19.1.1 Terminating court commitments

Court commitments are terminated through court order when:

- Parents/prior custodians, relatives, or the local department of social services (LDSS) petition the court requesting termination and the court transfers custody.
- The court terminates custody at the time of a dispositional or other hearing ([§ 16.1-282](#)).

#### 19.1.2 Terminating non-custodial foster care agreements

- Non-custodial foster care agreements are terminated at the request of the parent/prior custodian or guardian.
- If the court previously approved the non-custodial foster care agreement, termination of the agreement is not effective until the judge agrees to and documents the termination of the agreement.
- The LDSS may petition the court for custody should the agency disagree with the request for return of the child.

## 19.2 Discharging child from care and closing in OASIS

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The foster care case shall be closed in OASIS **within five (5) business days** after the child leaves the care of the LDSS. Failure to enter this date **within five (5) business days** will lead to an AFCARS error. If the family is still receiving services from the LDSS, the worker will need to change the AFCARS case type from foster care to the appropriate case type.

## 19.3 Eligibility referral at closure

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The service worker shall notify the eligibility worker immediately in writing that the child is no longer in the care of the LDSS and the date of discharge.

## 19.4 Maintenance/service/other resource payments at closure

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All maintenance payments shall be terminated by the service worker once the child leaves care. Service payments for services that will not continue after the child returns home shall be terminated. If the child is receiving Social Security, SSI, or other benefits, the worker shall inform the source of the benefits about the change in placement and provide the new address of the child.

## 19.5 Special welfare accounts for children

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When a child leaves foster care, all funds in the special welfare account received from SSA shall be returned to the Social Security Administration, including SSA/SSI savings, other investments, and interest earned on the funds.

If the child in foster care has remaining unspent funds other than saved SSA/SSI benefits upon leaving custody of the LDSS, they shall be paid to the child or the parent or guardian, in accordance with [§ 63.2-314](#) Code of Virginia.

## 19.6 Supplemental Security Income (SSI) funds for children

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As representative payee, when a child leaves foster care, the LDSS shall inform the local Social Security Administration (SSA) office immediately of the change. It shall return any accumulated SSI funds and interests earned on the funds to SSA. SSA will disperse the accumulated SSI funds to the next payee for the child. All accumulated funds belong to the child.

## 19.7 Credit Freeze Removal

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The LDSS shall request the removal of the credit freeze upon

- The child's removal from foster care.
- The child's request, if the child is 16 years of age or older.

- A determination by the LDSS that removal of the credit freeze is in the best interest of the child.

The PINs assigned by each credit reporting agency (CRA) will be required to lift the credit freeze. These PINs were provided to the service worker when placing the freeze and are in the hard copy of the child's case record. The LDSS shall submit to each CRA via certified mail written credit freeze removal requests and required materials, including the child's PIN, **immediately** after the child's removal from foster care.

Written request forms and documentation requirements vary according to the procedures established by each CRA. Other forms of communication, including telephone and email contacts, may be necessary to initiate a security freeze removal request. For additional information, see Credit Freezes for Children and Youth in Foster Care.

The LDSS shall document credit freeze removal activities in OASIS. Copies of the written security freeze removal request, all CRA confirmation letters and communications, and any other relevant materials shall be maintained in the hard copy of the youth's case file.

## **19.8 Emancipation before age 18**

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Youth who are at least age 16 may be legally emancipated prior to age 18 through a court hearing which finds that the youth is married, on active duty in the military, or is capable of self-support and has the parent or guardian's consent ([§ 16.1-331](#)). If a child is emancipated by the court, the foster care episode ends and the case is closed.

## **19.9 Services post foster care**

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Services should be provided to the child and family to prevent the need for the child to return to foster care. For a youth who needs continuing services after emancipation, the service worker should consider services through independent living and/or refer the youth to the appropriate adult services provider.

## **19.10 Record retention at closure**

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### **19.10.1 Record contents**

When the foster care paper case record is closed for services, the record shall contain all court orders, assessments, service plans, administrative panel reviews, and a brief closure statement identifying when the case was closed, placement of the child, and child and family adjustment. Pertinent documents including, but not limited to, eligibility determinations, medicals, and educational and social history shall also be retained. Personal items belonging to the child, such as report cards, drawings, and pictures should be given to the child.

When closing a case in OASIS, the final case contact should reflect the case disposition at case closure, a summary of services in place at termination, child and family adjustment, overall case progress, and a summary of the final court hearing.

Workers should follow the OASIS procedures for discharging a child from care and, when applicable, case closure. Closed cases in OASIS remain available as read-only documents and foster care reports may be printed if necessary. It is not necessary to print and store OASIS screens as paper documents in the case record.

### 19.10.2 Length of time service records shall be retained after closure

The following social service records for city and county governments shall be retained as described in the chart below. The [retention schedule](#) is available online from the Library of Virginia.

Service Records	Time Retained
Services to children in foster care who were <b>never adopted nor reunited</b> with their families (§§ <a href="#">63.2-904</a> and <a href="#">63.2-908</a> )	<ul style="list-style-type: none"> <li>Retained permanently in the locality.</li> <li>Records can be transferred to microfilm (<a href="#">17 VAC 15-20-10, et. seq.</a>).</li> <li>See <a href="#">Standards for Microfilming Public Records</a> at the Library of Virginia's website.</li> </ul>
Services to children in foster care who were <b>reunited with their biological families</b> before reaching majority (§ <a href="#">63.2-904</a> ) including children who have custody transferred to relatives	<ul style="list-style-type: none"> <li>Retained for one year after the children's 21st birthday, then destroyed (see <a href="#">Section 19.9.3</a>)</li> </ul>
Services to children who were adopted	<ul style="list-style-type: none"> <li>The locality does <b>not</b> retain these records. Records should be sent to VDSS (See Section 3.9.2 of Adoption Guidance).</li> </ul>

Financial/Eligibility Records	Time Retained
Children's Services Act, including payment for foster care (§§ <a href="#">2.2-5206</a> and <a href="#">2.2-5208</a> )	Retained for 3 years after last Family Assessment and Planning Team (FAPT) or utilization review, and then destroyed (see <a href="#">Section 19.9.3</a> )
Title IV-E eligibility including the original financial records ( <a href="#">45 CFR 1356.71</a> )	Retained for 3 years after the final IV-E payment, then destroyed (see <a href="#">Section 19.9.3</a> )

For a child who was adopted, see Chapter F. Adoption, [Section 3.9.2](#). At the time the adoption is finalized, materials remaining in the foster care paper case record

are disseminated among the adoption file, the adoption assistance case record, and the child's CSA/Title IV-E eligibility record. After the adoption file, adoption assistance case record, and eligibility files are complete, the remaining items should be purged. The adoption file contains only the required items outlined in [Section 3.9.2](#) to be maintained by the state. Title IV-E record requirements are outlined in [Section 1.2.5 of Title IV-E Foster Care Guidance](#). Disclosure restrictions apply at the time of adoption finalization, even during the 30-day timeframe allowed to create the adoption file (See [Section 5](#) of Adoption Guidance).

### **19.10.3 Destruction of service records**

Records shall be destroyed only when there are no litigations, audits, or investigation of Freedom of Information Act requests.

Destruction of service records shall be done by shredding, pulping, or burning. "Deletion" of confidential or privacy protected information in computer files or other electronic storage media is not acceptable. Electronic records shall be overwritten, "wiped" clean, or the storage media physically destroyed.

Records shall be destroyed in a timely manner, defined as no later than the end of the fiscal year in which the retention period expired. Any records containing Social Security numbers shall be destroyed within six months of the expiration of the records retention period. A certificate of records destruction shall be completed and approved by the LDSS' designated records officer. After a record is destroyed, the LDSS shall forward the original certificate of records destruction to the Library of Virginia ([§ 42.1 -86.1](#)).

### **19.10.4 Resources for maintaining and destroying records**

Information on the maintenance and destruction of local social service records is found in the Library of Virginia's Archival and Records Management Services Division, [Records Retention and Disposition Schedule](#), General Schedule No. 15 County and Municipal Governments Social Services Records.

The [manual, retention schedules, forms and additional information on records management](#) is available at the Library of Virginia's website.

### **19.10.5 Access to records after closure**

When an LDSS receives a request for the release of a foster care record, including a request from a former foster youth, the LDSS should consult with legal counsel to assure the response is correct and timely. While foster care records may be exempt under FOIA, the response informing an individual of that determination should be timely. In addition, the agency may need assistance in determining if the individual making the request is an individual with a legitimate interest and what records may be released to them.

#### 19.10.5.1 Access to records by former foster youth

Any foster care youth who has reached age 18, has not been adopted, and has not had parental rights terminated shall have the right to request and receive information from his or her record, including information about parent(s) or relatives. The LDSS should consult with their agency attorney to determine if any information contained in the record should be redacted prior to releasing any relevant material that is available.

If a youth has reached age 18, has not been adopted, and has had parental rights terminated, he shall have access to his records, but not to identifying information pertaining to his biological family, except by order of circuit court §§ [63.2-104](#). The LDSS should consult with their agency attorney as to what information about relatives can be released and if any other information should be redacted.

It is not uncommon for former foster youth to have questions regarding their past that can only be answered by accessing their foster care record. For example, an employer may request the youth's last several addresses and the youth may not have that information. The youth may need information from their childhood (school records, mental health records, hospital records) if they are applying to social security for disability. The youth may need clarification as to why they came into foster care to begin with in order to make sense of his/her current situation. For these reasons, it is ideal for the LDSS to meet with the youth face to face and discuss what information they are seeking, what limitations there may be regarding the LDSS's ability to release copies of information, suggestions for obtaining information that cannot be released by the LDSS. For example, while the LDSS may not be able to re-release a copy of the psychological evaluation or medical records, the LDSS may be able to direct the youth to where he/she can obtain a copy directly. The LDSS should be available to answer questions over a period of time *and* make every effort to support the former foster youth in their quest for information.