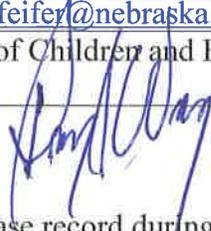


Division of Children and Family Services Protection and Safety Procedure #5-2016	
Regarding:	The use of Photographs from Intake through Case Closure
Rescinds:	16-2011 Release of Photographs and Identifying Information about a Ward of the Department
Date Effective:	2/17/16
Contact:	Connie Pfeifer 402-471-9245 or connie.pfeifer@nebraska.gov
Issue by:	Douglas J. Weinberg, Director, Division of Children and Family Services



Philosophy

Photographs provide an additional source of information to the case record during the intake, initial assessment or on-going interactions with families. Photographs of an injury or lack of an injury; scenes of the incident and overall appearance of the living environment may be important information to consider when completing a thorough assessment.

Procedure:

- I. " It is important that all information collected in relation to an allegation of child abuse or neglect be included as part of the case file. This includes photographs and other reports maintained by outside agencies (e.g. law enforcement, medical, etc.). Photographs related to allegations of abuse or neglect will be placed into document imaging within 1 business day of receipt of the photographs, all other photographs will be placed into document imaging within 7 days.
 - A. Digital photographic information regarding families involved with Division of Children and Family Services (DCFS) may be taken by DCFS staff or provided from an outside source.
 - B. All photographs, regardless of the source, will be loaded into the Restricted Category in N-FOCUS document imaging. If the original photographs are not received in digital format, the photographs will be scanned and loaded into document imaging. The original copies of the photographs that cannot be returned to the source (i.e. law enforcement or hospital photographs), will be placed in the hard copy file.
 - C. Photographs used to document injury, condition of the home or to support allegations of abuse and/or neglect will not be made available to the family. These photographs will only be released as part of an administrative appeal proceeding. DCFS will not release photographs that would be deemed harmful or detrimental to the child.
 - D. CFS Specialists will only use equipment (i.e. phones and email accounts) issued by DHHS when taking or receiving photographs. The use of personal equipment is not allowed.

- II. During the course of gathering information the Intake CFS Specialist will ask if photographs exist of the alleged injuries and/or home conditions described in the report. If the reporting party has photographs the Intake CFS Specialist will request that the photos be emailed to the hotline mailbox.
 - A. The photographs will be put into Document Imaging in the restricted category under the name of the alleged victim.
 - B. The intake will clearly state that the photographs were provided by the reporting party and have been loaded into N-FOCUS.

- III. The Initial Assessment and On-going CFS Specialist will take every step necessary to obtain relevant photographs and reports from law enforcement, medical practitioners or other relevant entities.
 - A. Photographs obtained in the course of a multidisciplinary team (1184 team) meeting will be scanned into N-FOCUS.
 - B. If law enforcement requests that photographs not be disseminated because an on-going criminal investigation has not been resolved, the photographs will be placed into the hard copy file.
 - C. Consents for release of information may be necessary to obtain medical records containing photographs from hospitals, clinics or other medical care providers.

- IV. CFS Specialists will not take photographs to collect evidence. When the CFS Specialist believes photographs need to be taken because of concerns of abuse or neglect they will:
 - A. Contact local Law Enforcement; and / or
 - B. Seek medical care for the child; and / or
 - C. Make arrangements for the Child Advocacy Center to conduct an interview.

- V. When working with a family, the CFS Specialist, foster parent, parent or others may take photographic images of the children / family. These photographs may be taken at special occasions (school activities / recognition dinners, sibling visitation, etc.). Any photographs taken by the CFS Specialist or shared by others will be scanned into N-FOCUS and may be shared with the child(ren) and also made available to family members upon request.
 - A. Photographs or digital images of a state ward may be released for use on posters, in presentations, press releases or newsletters with the written consent of the CFS Specialist. The CFS Specialist may grant release of photographs and identifying information after considering the following:
 - 1. Legal status of parental rights. If parental rights are intact, written parental consent must be obtained;
 - 2. The child's opinions and wishes; and
 - 3. Could the use of the photograph be detrimental to the child(ren). If the CFS Specialist is unsure, they should consult with the CFS Supervisor / Administrator.
 - B. If youth in foster care wish to use the internet, including social media sites, the CFS Specialist will have regular and candid conversations with the youth to discuss safe and appropriate practices. The foster parent and youth will establish and review expectations, availability and rules regarding use of the internet and social media.

- C. Professionals involved with state wards may not post any photographs or other identifying information in advertisement or promotional materials on any social networking, professional websites and /or presentations without the written permission of the CFS Specialist.

References:

Nebraska Revised State Statute 27-722, Federal Public Law 113-183, Preventing Sex Trafficking and Strengthening Families Act, 390 NAC 11-002.01R