

## **RESOLUTION NO. 24-129**

### **RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS OF THE MENDOCINO COUNTY DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, Government Code Section 26202 provides that the Board of Supervisors may authorize the destruction or disposition of any record, paper, or document which is more than two years and which was prepared or received in any manner other than pursuant to a state statute or county charter, and further provides that the Board of Supervisors may authorize the destruction or disposition of any record, paper, or document which is more than two years old, which was prepared or received pursuant to state statute or county charter, and which is not expressly required by law to be filed and preserved if the Board determines by four-fifths (4/5) vote that the retention of any such record, paper, or document is no longer necessary or required for County purposes; such records, papers, or documents are not required to be photographed, reproduced, or microfilmed prior to destruction and no copy thereof need be retained; and

WHEREAS, Mendocino County Board of Supervisors Resolution Number 09-202 established a records retention schedule for County of Mendocino's General Services Agency, which schedule provides guidance for the retention of certain similar records of the Department of Social Services; and

WHEREAS, the Department of Social Services has identified in Schedule A, attached and incorporated by reference herewith, records that are recommended for destruction, in accordance with the provision of the referenced resolution and statutes herein; and

WHEREAS, Government Code Section 26205.1, subdivision (a), provides that the County officer having custody of nonjudicial public records, documents, instruments, books, and papers may cause such to be destroyed (1) if the Board of Supervisors has adopted a resolution authorizing the destruction, which may impose conditions that the Board of Supervisors determines are appropriate, (2) the County officer who so destroys said records shall maintain for the use of the public a photographic or microphotographic film, electronically recorded video production, a record contained in the electronic data processing system, a record recorded on optical disk, a record recorded by any other medium that does not permit additions, deletions, or changes to the original document, or other duplicate of the record, document, instrument, book, or paper destroyed, and (3) the record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk or reproduced on film, or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document and is produced in compliance with Section 12168.7 for recording of permanent records or nonpermanent records; and

WHEREAS, subdivision (b) of Government Code Section 26205.1 further provides that the reproduction requirements of paragraphs (2) and (3) of Government Code Section 26205.1(a) do not apply to records prepared or received other than pursuant to a state statute or county charter, or records that are expressly required by law to be filed and preserved; and

WHEREAS, the Department of Social Services will utilize a California State Agencies' electronic records system established trusted system for the conversion of certain hardcopy official records to electronic records pursuant to Government Code Sections 26205.1; and

WHEREAS, the Department of Social Services requests authorization from the Board of Supervisors for the scanning of all records, documents, instruments, and papers of the Department, all of which will be retained until the adoption of a comprehensive records retention schedule for the Department by the Board of Supervisors. All such scanned records will be placed into a California State Agencies' electronic records system which has been identified as a trusted system; and

.WHEREAS, the Department of Social Services seeks to retain all such scanned records,

regardless of whether prepared or received pursuant to a state statute or county charter or whether expressly required by law to be filed and preserved, and also will separately maintain a duplicate copy of the records in the trusted system, as additional conditions of the Board of Supervisors' authorization.

NOW, THEREFORE, BE IT RESOLVED by the Mendocino County Board of Supervisors, based on all of the evidence in the record before it, as follows:

1. Pursuant to Government Code Section 26202, all of the records listed in Schedule A that are more than two years old, not expressly required by law to be filed and preserved, and the Board hereby determines, by a four-fifths (4/5) vote that retention of said records is no longer necessary or required for County purposes. Such records, papers, or documents need not be photographed, reproduced, or microfilmed prior to destruction and no copy thereof need be retained. The Department of Social Services is authorized to destroy such records pursuant to the applicable timelines provided in Schedule A, so long as such destruction is in compliance with any applicable contractual obligations.
2. Pursuant to Government Code Section 26205.1 and based on the assurances of the Department of Social Services has identified California State Agencies' electronic records system as a "trusted system" as required by state law, the Board of Supervisors grants the Director of the Department, or a designee designated by the Director, the authority to scan its records into the applicable electronic records system and destroy the original hardcopy of the records. This authorization is granted on the following further conditions that:
  - a. The Department of Social Services shall scan all of its records into the applicable California State Agencies' electronic records system, regardless of whether prepared or received pursuant to a state statute or county charter or whether expressly required by law to be filed and preserved; and
  - b. The Department of Social Services will separately maintain a duplicate copy of the records destroyed pursuant to this section in its electronic records system; and
  - c. The Department of Social Services will ensure public access to records within the California State Agencies' electronic records system.
  - d. Notwithstanding the above conditions, subsections 2(a)-(c) above do not apply to records prepared or received other than pursuant to a state statute or the County charter, or records not expressly required by law to be filed and preserved.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Haschak, and carried this 10<sup>th</sup> day of September, 2024, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde and Williams  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE  
Clerk of the Board

  
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Deputy

APPROVED AS TO FORM:  
CHARLOTTE E. SCOTT  
County Counsel

  
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MAUREEN MULHEREN, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: DARCIE ANTLE  
Clerk of the Board

  
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Deputy

**SCHEDULE A**

Record Retention Schedule

**Department of Social Services - Records Retention Schedule**

**Child Welfare Services**

<b>Record Title</b>	<b>Record Description</b>	<b>Retention Period</b>	<b>Authority Citations</b>
Adoption Case Files	Contains records of open and closed adoption cases. Includes: pending adoption packets, prospective adoption parent files, termination of parental rights files, communications, and other related documentation.	Permanent	22 CCR 89179, 89131, 89182; Cal. Family Code Sec. 9200, 9201
Adoption Index	Contains records of child/client information on open and closed adoption cases. Includes: Child's name and date of birth, case number, and number and date case opened and closed.	Permanent	22 CCR 89179, 89131, 89182; Cal. Family Code Sec. 9200, 9201
Child Abuse Central Index (CACI) Review Hearing Files	Contains all evidence and documentation concerning a Child Abuse Central Index (CACI) review hearing. Includes: Records of alleged child abuse, identifying data on the child, emergency response control log- never heard of this document, referrals, family assessment reports, home visit assessment, medical records, investigative records, court documents, response documents, and case summaries.	Permanent: Substantiated or conclusive reports.  10 years from the time the most recent report is received: Inconclusive or unsubstantiated report or 3 years after the home is no longer used, whichever is longer.	Cal. Dept. of Soc. Svcs. Man. Of Pol. & Proc. 31-021.86; Pen. Code 11169, 11170; ACL No. 03-55
Emergency Child Care Bridge Program Case Files	Contains a copy of the child care provider's W-9, background checks for license-exempt providers, referrals to North Coast Opportunities for the other components of the Emergency Child Care Bridge Program, and status of resource (foster) parent's application for other child care subsidy programs.	5 years after the case closed, or, where an audit has been requested by a state agency, until the date the audit is resolved, whichever is longer.	Welf. & Inst. Code Sec. 10269

Child Welfare Services Case Record	Contains records generated from the referral to close of a client's case. Includes: Background check, search records, education records, child abuse investigative reports, medical records, court documents, emergency assistance records, intake referral, screening records, juvenile case files, placement records, and related documentation.	<p>Permanent: Those records which relate to substantiated reports of child abuse, shall be permanently retained, unless the records must be destroyed to comply with the law.</p> <p>All other records: Retained for 10 years from the time the case file is closed, unless the records must be destroyed to comply with the law. (Remember that there are provisions in the law which allow the court to seal case records and require their destruction; consequently, when that occurs, those records will need to be destroyed to the extent required to conform with the law.)</p>	Cal Penal Code 11169; Cal Penal Code 11170; 45 CFR 74.53; Welf. & Inst. Code 389.
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Resource Family Records	Contains documents of facilities and families that apply and who are approved to provide care to children who are in the custody of Children and Family Services should be Family & Children's Services. Includes: applications, background checks, Live Scan records, home study reports, proof of training, copies of license change to approval certificates (formal term used by CDSS) as it's not a "license", home inspections, Adoption Assistance Eligibility Files, Family Law step-parent adoption assessments/reports (FC 9001), Family Law Free from parental custody and control (FC 7850), case review files, and related correspondence	5 years following the date of an application withdrawal or denial, rescission of approval, criminal record exemption denial or rescission, exclusion, or forfeiture or surrendure of approval except: if an appeal, notice of defense or action for the record is filed, the time period to maintain the file shall begin on the date that a final decision and order is issued; if a county chooses to purge or destroy hard copy records after the file retention period in this section, an electronic version shall first be stored of records necessary to support an administrative action; records necessary to support an administrative action that contain an original certification or signature, including but not limited to court or law enforcement agency records, or handwritten statements of an individual shall not be purged, destroyed, or stored solely in an electronic format; an original hard copy shall be maintained consistent with the county's retention policy in consultation with the county counsel office.	45 CFR 74.53; CDSS Resource Family Approval Written Directives (current version 8 effective 11/1/22), Article 10, Section 10-05
Group Home/Foster Family Agency Monitoring Review Files	Contains annual reviews, work papers and documentation, correspondence, and other records used to monitor compliance with agreements between the group home/foster family agency and Mendocino County Department of Social Services- Family & Children's Services	3 years after the Group Home/Foster Family Agency contract is terminated or not renewed.	45 CFR 74.53

Juvenile Court Services	Court case face sheets are used in which the Court liaison records the results of each hearing, court issues, next hearing date, and type.	2 Years	Govt. Code 26202
Kinship Guardianship Assistance Payment Program (KINGAP) Files	Contains information for guardians receiving assistance payments. Includes: Applications, guardianship documents, eligibility documents, Medi-Cal Eligibility Database System (MEDS) printouts, Probate Guardianship assessments/reports (PC 1513) and court minute orders.	3 years from the last date of aid or services or from the last expenditure report on a case, whichever is later, but subject to longer retention periods as defined in 45 CFR 74.53 and MPP 23-353.	45 CFR 74.53, California Manual of Policies and Procedures 23-353, and ACL 06-33
Public Assistance Eligibility Case Files	Contains documentation used to determine eligibility for public assistance program funding for foster care placement and payment. Includes: Applications, eligibility requirements, services requested and related documentation.	3 years from the last date of aid or services or from the last expenditure report on a case, whichever is later, but subject to longer retention periods as defined in 45 CFR 74.53 and MPP 23-353.	45 CFR 74.53, California Manual of Policies and Procedures 23-353, and ACL 06-33
<b>Employment and Family Assistance Services</b>			
<b>Record Title</b>	<b>Record Description</b>	<b>Retention Period</b>	<b>Authority Citations</b>
Appeals and State Hearing (ASH) Requests Folders	Includes: Request for corrective action compliance record, in-house sign-in log for ASH Specialists to review welfare fraud folders, State Hearing Request (Filing), Request for Case Correction (PA 411), State Hearing Decision, District Compliance Response (PA 411R), Documentation, case disposition, contacts and correspondence, and related records.	3 years after adopted decision. Or if any litigation, claim, negotiation, audit or other action involving the records has been started before the end of the three year period, the records shall be kept until all issues are resolved, or until the end of the regular three-year period, whichever is later.	22 CCR 40813(a)(6) & (b)(1)
California Work Opportunity and Responsibility to Kids (CalWORKs) Program Intake, Approved and Denied Case Files	Contains intake, approved, and denied program case files. Includes: CalWORKs forms, Notices of Action (NOAs), property statements, earned/unearned income, Income and Eligibility Verification System (IEVS), homeless folder, issuance and documentation folders, case jacket (PA 7), treatment/services verification forms, and related records.	3 years after the case is closed or after the date of submission of final expenditure report or until audits, civil or criminal litigation claims, negotiations, or other actions involving the records have been resolved/completed, whichever is later.	22 CCR 40813; WIC 10851; CDSS Manual of Policies and Procedures (MPP) 23-353.
Cash Aid and CalFresh Quarterly Reports		3 years after the case is closed or after the date of submission of final expenditure report or until audits, civil or criminal litigation claims, negotiations, or other actions involving the records have been resolved/completed, whichever is later.	22 CCR 40813; WIC 10851; CDSS ACL 15-26 and MPP 23-353.



Medi-Cal Intake and Approved Case Files	Contains intake and approved case files for Medi-Cal program. Includes: Medi-Cal intake forms , NOAs, property statements, earned/unearned income, IEVS, homeless folder, issuance and documentation folders, treatment/services verification forms, and related records.	3 years after case closed or the date of submission of the final expenditure report for the period to which the report pertains, whichever is longer.	22 CCR 50111 (b)(2); WIC 10851 and 14124.1.
Field Investigation Case Logs	Contains manual logs that investigators use to list their cases and control for completion and status.	3 Years.	WIC 10851
<b>Adult and Aging Services</b>			
<b>Record Title</b>	<b>Record Description</b>	<b>Retention Period</b>	<b>Authority Citations</b>
In-Home Supportive Services (IHSS) Provider Related Reports	Contains reports which are identified as potential child care fraud.	3 years after the case is closed or after the date of submission of final expenditure report or until audits, civil or criminal litigation claims, negotiations, or other actions involving the records have been resolved/completed, whichever is later.	22 CCR 40813;WIC 10851; CDSS ACL 15-26, MPP 10-119.2, and MPP 23-353.
IHSS Intake and Approved Case Files	Contains intake and approved case files for IHSS Program. Includes forms, NOAs, documentation and financial folder and other related records.	3 years after the case is closed or after the date of submission of final expenditure report or until audits, civil or criminal litigation claims, negotiations, or other actions involving the records have been resolved/completed, whichever is later.	22 CCR 40813;WIC 10851; CDSS ACL 15-26, MPP 10-119.2, and MPP 23-353.
<b>Military and Veterans Affairs</b>			
<b>Record Title</b>	<b>Record Description</b>	<b>Retention Period</b>	<b>Authority Citations</b>
Medi-Cal Reports	Includes: Name, date, description of benefit, amount reimbursed to department, and related information.	3 years provided there are no pending issues, criminal or civil actions	22 CCR 50111
State Subvention Reports	Includes: Name, date, social security number, and related information	2 years and audit complete	Govt. Code 26202

Veteran Burial Program Files	Contains notifications and other records concerning the burial of indigent veterans and reimbursement of the costs. Includes date, agency name, veteran's name, financial circumstances, cost of burial, location, and related information.	2 years and audit complete	Govt. Code 26202
Veterans Assistance and Medical Programs Claims Files	Contains referrals and other claim records for benefits under Senior Medical Program, Veterans Emergency Direct Assistant Programs, and Veterans Welfare and Claims Programs. Includes program name, name of claimant, address, date, description of benefits, and related information.	3 years after claim awarded/settled and audits complete	WIC 10851; Govt. Code 26202
Veteran Dependents College Fee Waiver Records	Contains application, proof of relationship, notes of any issues or problems, correspondence, and other records	2 years and audit complete	Govt. Code 26202