

# Responding to Different Record Requests

(Revised 12/03/2021)

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## Forms

This file references the following forms:

- 04-124A Documents Provided to Requesting Party
- 04-124 Declaration Required for access to CWS case information
- 04-125a District Attorney & City Attorney Declaration Required for access to CWS case information
- 04-125d Declaration Required for access to CWS case information Request for CWS Records – Public Defender & Alternate Public Defender
- 04-125fc Request for CWS Records - Family Court
- 04-172 Notice of Payment Due for Duplication and Delivery of Child Welfare Services Records
- 04-302 Declaration of Redaction
- 04-303 827 Disclosure Cover Letter
- 04-303fc 827 Disclosure Cover Letter/Family Court
- 04-303p 827 Disclosure Cover Letter, Parent/Child
- 04-303psp 827 Disclosure Cover Letter, Parent/Child (Spanish)
- 04-312 Letter to Record Requestor
- 04-312sp Letter to Record Requestor (Spanish)
- 04-337 Out of State Law Enforcement Letter

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## Introduction

Legal Support Services (LSS) strives to ensure that legal partners, families, and agency staff have a clear understanding of the Welfare and Institutions codes 827 and 827.10 and the rights of those under the law to obtain records. This policy will streamline the release of records processed in order to provide consistent services to all parties. The following are procedures followed on the most common requests for records.

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**Legal Support Services**

Legal Support Services (LSS) provides the following services in order to support regional staff:

- Process all records requests from family court services, from out of county social service agencies, for closed cases, and all records that are ordered to be released through the 827 process.
  - Process all subpoenas received by SWs. Please see subpoena policy for further information.
  - Support regional SWs with records requests by providing guidance, and in certain cases assisting with the preparation of records for release. Please contact LSS Supervisor (858) 616-5950 or email at [cwslegalservices.hhsa@sdcounty.ca.gov](mailto:cwslegalservices.hhsa@sdcounty.ca.gov) when questions arise for records or subpoenas.
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**Welfare and Institutions Code (WIC) 827**

WIC 827 covers several key areas for the release of information from CWS. The juvenile case file is confidential information protected and WIC 827 lists the exception and circumstances for releasing information. The confidentiality guide has a comprehensive list of who is entitled to the records and for what purpose. Please see confidentiality guide for further details.

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**Adult Public Defender/  
Alternate Public Defender/  
Privately**

In order to receive records without an 827 court order, the PD or APD's client must be entitled to the record and need the record for mitigation purposes. For all other purposes, the PD/APD must file an 827 request for records with the Juvenile Court. A SW may also receive requests directly from the PD/APD on open cases and can contact LSS for further assistance if needed.

WHO	WHAT
PD/APD	<ul style="list-style-type: none"><li>• Request in writing: the name and purpose of the request.</li><li>• Provide the signed and official letterhead form from the PD/APD agency and the 04-125d prior to producing the record either for release or inspection.</li></ul>
SW in region (open case)	<ul style="list-style-type: none"><li>• Prepare the record and make the record available for the PD/APD on open cases.</li><li>• If a records request received from a privately retained defense attorney, contact the LSS prior to releasing any records.</li></ul> <p>Generally, LSS requests a "letter of authorization" signed by the client to allow the attorney obtain the records on behalf of the client. A recent minute order specifying that they are attorney of record will allow attorney to receive records. SW may contact the LSS PD/APD staff liaison at 858-616-5950 or email at <a href="mailto:cwslegalservices.hhsa@sdcounty.ca.gov">cwslegalservices.hhsa@sdcounty.ca.gov</a> for guidance on completing requests on open cases.</p>
LSS Staff	<ul style="list-style-type: none"><li>• Prepare the record and make available for the PD/APD to review on closed referrals and cases.</li><li>• Prepare the record with redactions and send via email to the requestor.</li></ul>

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**Adult Public Defender/  
Alternate Public Defender/  
Privately (cont.)**

LSS/ SW will follow the steps below when a request for records is received:

STEP	WHO	ACTION
1	LSS Staff	<ul style="list-style-type: none"> <li>• Check CWS/CMS history.</li> <li>• If there is no CWS/CMS history, call or email the requestor to inform them. If the requestor is privately retained counsel, send a “no records” letter via mail.</li> <li>• Contact requestor and discuss the records found to determine what they are seeking.</li> <li>• If there is CWS/CMS history, gather information and redact confidential information. See redaction guidelines.</li> <li>• If there is CWS/CMS history in other counties, inform the requestor that they must contact the other county for their record.</li> </ul>
2	LSS Staff	Send redacted records via email to requestor with the 04-303 and 04-302 attached. If the requestor is a private attorney, ensure they send the check or money order to obtain the record. They could also pick up the records in the office.
3	LSS Staff	Complete the 04-124A and save a copy in the file.
4	SW	If request has been completed by SW in region, be sure to fill out a 04-124A and save a copy in the file.

Generally, the following documents are provided in their redacted version after the requestor has agreed to receive this information:

Referrals	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> page of ERD</li> <li>• Delivered Service Log (DSL)</li> <li>• Investigation Narrative</li> <li>• However, they are entitled to receive everything in the file, except the privilege information. Refer to redaction guidelines</li> </ul>
Cases	<ul style="list-style-type: none"> <li>• Court Reports</li> <li>• DSL if requested</li> <li>• Case Notes</li> <li>• However, they are entitled to receive everything in the file, except the privilege information. Refer to redaction guidelines</li> </ul>

**NOTE:** The documents released to criminal defense counsel cannot be used in court without an 827 protective order. Although the information is shared, the requestor must seek a protective order if they decide they want to use the information in a criminal proceeding.

**Juvenile  
Delinquency  
Public Defender/  
Alternate Public  
Defender**

LSS or SW may receive request for records from the Juvenile Delinquency Public Defender (Juvenile PD)/ Alternate Public Defender (APD). Generally, LSS staff receives these requests by email.

WHO	WHAT
Juvenile PD/APD	<ul style="list-style-type: none"> <li>Request in writing: Name and purpose of the request.</li> <li>Provide the 04-125A, and signed disclosure form from Juvenile PD agency prior to reviewing the record.</li> </ul>
SW in Region	If Juvenile PD/APD directly contacts SW for records request, contact the LSS Juvenile PD/APD liaison at 858-616-5950 or email at <a href="mailto:cwslegalservices.hhsa@sdcounty.ca.gov">cwslegalservices.hhsa@sdcounty.ca.gov</a> for assistance.
LSS Staff	Redact and prepare the records, then send them via email to the requestor.

LSS or SW will follow these steps when receiving a request for records. LSS staff if case/referral is closed. SW in Region if referral/case is active.

STEP	WHO	ACTION				
1	LSS Staff or SW	<ul style="list-style-type: none"> <li>Check CWS/CMS history.</li> <li>If there is no CWS/CMS history, call or email the requestor to inform them.</li> <li>Gather information from CWS/CMS, and redact confidential information.</li> <li>If there is CWS/CMS history in other counties, inform the requestor that they must contact the other county for their record.</li> </ul>				
2	LSS Staff or SW	Send redacted records via email to requestor with the 04-303 and 04-302 attached.				
3	LSS Staff or SW	Complete the 04-124A and save a copy in the file. <table border="1" style="margin-left: 20px;"> <tbody> <tr> <td>Referrals</td> <td> <ul style="list-style-type: none"> <li>San Diego County CWS records within the last 10 years</li> <li>First page of the ERD</li> <li>Investigation Narrative.</li> </ul> </td> </tr> <tr> <td>Cases</td> <td>Case notes on closed case (not DSL unless specifically requested)</td> </tr> </tbody> </table>	Referrals	<ul style="list-style-type: none"> <li>San Diego County CWS records within the last 10 years</li> <li>First page of the ERD</li> <li>Investigation Narrative.</li> </ul>	Cases	Case notes on closed case (not DSL unless specifically requested)
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Cases	Case notes on closed case (not DSL unless specifically requested)					

**District Attorney  
(DA)/City  
Attorney (CA)**

LSS and the regional SW are both responsible for making records available to the DA) and the (CA), and for preparing the records for their review. If the case is active, the assigned SW will handle open referral/case requests. LSS will handle closed referral/case requests.

STEP	WHO	ACTION
1	DA/CA	<ul style="list-style-type: none"> <li>Submit the 04-125a for open and closed cases/referrals.</li> </ul>
2	LSS /SW	<ul style="list-style-type: none"> <li>Check CWS/CMS for history.</li> <li>If there is CWS/CMS history in other counties, inform the requestor that they must contact the other county for their record.</li> <li>In searching CWS/CMS, additional victims may be found. If this is the case, the DA/CA will be informed that they must submit an additional 04-125a for each victim before records are released.</li> </ul>
3	SW	<ul style="list-style-type: none"> <li>Prepare the record on open cases; to include the redaction of confidential information from CWS/CMS printed information and hard file documents. (See the confidentiality guide for more information on redactions).</li> <li>Make the record available for the DA/CA to review. During the inspection, a SW or other worker must be present during the inspection to answer questions.</li> <li>Contact the LSS DA/CA liaison for guidance on completing requests on open referrals/cases</li> <li>If a request for records on a <b>closed</b> referral/case, SW will refer the DA/CA to LSS.</li> </ul>
4	LSS	<ul style="list-style-type: none"> <li>Prepare the record on closed referrals and cases; to include the redaction of confidential information from CWS/CMS printed information and hard file.</li> <li>Make the record available for the DA/CA to review</li> <li>If LSS receives a request for records on an <b>open</b> referral/case, the DA/CA will be referred to the assigned SW.</li> </ul>
5	DA/CA	<ul style="list-style-type: none"> <li>Review the records (Inspection)</li> <li>Inform LSS or SW which records/documentation they would need.</li> </ul>
6	LSS/SW	<ul style="list-style-type: none"> <li>Send redacted records via email to requestor with the 04-303 and 04-302 attached.</li> </ul>
7	LSS/SW	<ul style="list-style-type: none"> <li>Complete the 04-124A.</li> <li>Place 04-124A in file.</li> </ul>

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**District Attorney  
(DA)/City Attorney  
(CA) (cont.)**

**NOTE:** The District Attorney/ City Attorney (DA/CA) is privy to records (verbal and copies) without a court order per WIC 827(a) (1) (B) and 827 (a) (5). However, for criminal proceedings the DA/CA will need to file an 827 petition to allow them to **use** that information in the criminal proceeding and/or to gain SW testimony in criminal court. The 827 also allows the other side, the defendant, to gain access to the same records if they also attend the 827 hearing and sign the protective order for release. See PG: 827 - Petitions for Disclosure of Juvenile Case File for more information. When subpoenaed, Superior Court Rule 6.6.4 (B) allows SW's to share information informally with the DA/CA's office. This information from investigations could be necessary to accomplish the purpose of their criminal prosecution or investigation; so long as disclosure in the child's best interest.

The DA/CA may have copies of all documents that they have inspected after those documents have been redacted. Per Penal Code section 11167(5)(1) the DA/CA are privy to Reporting Party (RP) information. If the DA/CA specifically requests RP information and lists a specific reason, this information may be released. Nevertheless, you should consult with CC before releasing information.

Referrals/Cases	The DA/CA may have copies of all documents that they have inspected and selected, after those documents have been redacted.
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**Family Court  
Requests**

LSS receives and processes **all** Family Court Services (FCS) requests, Family Court judge request, and Probate Court requests for records.

Family Court personnel request records from LSS only. Family Court personnel will complete and submit by email the 04-125fc to the family Court liaison.

**NOTE:** Per WIC 827.10 verbal information will not be given to Family Court Services (FCS). SW will not provide verbal information or release records to FCS and will give FCS the LSS contact information.

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**Family Court  
Requests (cont.)**

LSS will complete the following steps when receiving a request for records:

STEP	ACTION
1	<ul style="list-style-type: none"> <li>• Ensure that the request is for a <b>closed referral or case</b>.</li> <li>• If there is an open referral, LSS gives the option to FCS to hold the request until the referral has been closed and provide the information only on closed referrals.</li> <li>• FCS will make a new request once the referral is closed.</li> </ul>
2	<ul style="list-style-type: none"> <li>• Check CWS/CMS for all records.</li> <li>• Gather information from CWS/CMS, and redact confidential information. See redaction guidelines. Per agreement with family court, only electronic records located in CWS/CMS are provided.</li> <li>• If there is CWS/CMS history in other counties, inform the requestor that they must contact the other county for their record.</li> </ul>
3	Send redacted records via email to the requestor with the 04-302, 04-303fc, and 04-125fc.
4	Complete the 04-124A and save a copy in the file.

Unless FCS requests records for other documents/reports, LSS will evaluate if appropriate. Also, if request a specific range of dates, they will receive redacted copies of the **last 2 years**:

Referrals	<ul style="list-style-type: none"> <li>• Investigation Narratives</li> <li>• 1<sup>st</sup> page only of ERDs evaluated out (EO)</li> <li>• Screen narrative (if there is one created)</li> <li>• Safety Plans (if imported in CWS/CMS).</li> </ul>
Cases	<ul style="list-style-type: none"> <li>• Most recent status review report</li> <li>• Case notes/closing summary.</li> </ul>

**NOTE:** The Family Court liaison can provide additional information upon request.

**Parent, Self, and Other Attorney Requests**

LSS receives requests via the public line, US Mail, email, or by walk in to Policy and Program Support reception. Requestors are provided with the 04-312, which provides instructions on what is needed to make a records request. The table below provides general information for entitled parties who are seeking their records.

<b>If the requestor is...</b>	<b>and the Referral/Case is...</b>	<b>then...</b>	<b>it will be handled by...</b>
A Parent	Closed	The request for records must be submitted in writing and contain the information listed on the 04-312	LSS staff
Youth or adults requesting prior CWS history as a child	Closed	The request for records must be submitted in writing and contain the information listed on the 04-312	LSS staff
Family Court Attorney representing a parent	Closed	The request for records must be submitted in writing and contain the information listed on the 04-312	LSS staff
	Open	Refer attorney to LSS supervisor	SW



**Parent, Self, and Other Attorney Requests (cont.)**

A Parent	Open (Case)	The request for records must be submitted in writing and contain the information listed on the 04-312.	Regional SW
	Open (Referral)	Records are not to be released on open referrals, and SW should refer parents to LSS to obtain their records after the referral has been closed.	
Youth or adults requesting prior CWS history as a child	Open(Case)	The request for records must be submitted in writing and contain the information listed on the 04-312.	SW

**Parent, Self, and Other Attorney Requests (cont.)**

The following action should be taken:

STEP	WHO	ACTION
1	LSS Staff/SW (in Region)	<ul style="list-style-type: none"> <li>Verify what the requestor is entitled to receive information by checking the confidentiality guide and redaction guidelines.</li> <li>Call requestor and determine what specific information is requested.</li> </ul>
2	LSS/SW	If there is an open referral, advise parent that the referral must be closed before records are released.
3	LSS	If there is an open case and the request is received by LSS, parent will be referred to assigned SW.
4	LSS/SW	<ul style="list-style-type: none"> <li>Check CWS/CMS for all records.</li> <li>If there is CWS/CMS history in other counties, inform the requestor that they must contact the other county for their record.</li> <li>If there is CWS/CMS history prepare the file by gathering information to be shared and redacting confidential information.</li> </ul>
5	LSS/SW	<ul style="list-style-type: none"> <li>Call requestor to notify them their records are ready for pick up.</li> <li>Requests may also be sent via certified mail. Payment is required prior to requests being mailed out.</li> <li>The 04-172, 04-302, and 04-303p will be provided with the record.</li> </ul>
6	Requestor	Requestors may pick up their requests in person by providing a check or money order for their records, along with their photo ID.
7	LSS/SW	Complete the 04-124A and save a copy to the file.

**Law Enforcement (LE)**

LSS and the regional SW are responsible for processing Law Enforcement (LE) requests. Generally, the assigned SW will handle open referral/case requests. LSS will handle closed referral/case requests. However, due to the close working relationship between LE and CWS workers during the investigation, the exchange of information should determine the best course of action. Law enforcement must send their request for records in writing by either email or fax even if they are known to the investigating worker.

WHO	WHAT
LE	<ul style="list-style-type: none"> <li>• Send request for records in writing by either email or fax.</li> <li>• <b>Out of state</b> LE must provide the following information when requesting records:               <ul style="list-style-type: none"> <li>○ 04-337 Request must be signed by supervisor of requesting agency</li> <li>○ Request must identify the suspected perpetrator or victim by name and date of birth or approximate age. Written request must cite the out of state or interstate compact provision that requires that the information contained in these reports is to be disclosed only to law enforcement, prosecutorial entities, or multidisciplinary investigate teams, and the written request shall cite the safeguards in place to prevent unlawful disclosure provided by the requesting state or applicable interstate compact provision.</li> </ul> </li> </ul>
SW/LSS	If request is from Out of State LE send the 04-337 for the agency to complete and return.
LE	Out of State LE must return the 04-337 prior to receiving requested records.
SW	<p>If the referral/case is open:</p> <ul style="list-style-type: none"> <li>• Check CWS/CMS for all records.</li> <li>• Contact law enforcement to inform them if we have records they are seeking.</li> <li>• Prepare records by gathering information and redacting confidential information. All documents from electronic records in CWS/CMS will need to be printed, i.e. DSL, emergency response referral document, investigation narrative, court reports, SDM, etc.) Additional documentation can be provided so long as it meets the requirements of WIC 827 for law enforcement.</li> <li>• If there is CWS/CMS history in other counties, inform the requestor that they must contact the other county for their record.</li> <li>• Send requested redacted records via encrypted email to requestor with the 04-303, and 04-302 attached. Turnaround time for law enforcement requests is 5 business days.</li> <li>• Complete the 04-124A and save to file.</li> <li>• SW may contact the LSS LE liaison for guidance on completing requests on open referrals/cases.</li> </ul>

**Law Enforcement (LE) (cont.)**

LSS	<p>If the referral/case is closed:</p> <ul style="list-style-type: none"> <li>• Check CWS/CMS for all records.</li> <li>• Contact LE to inform them of records we have.</li> <li>• Prepare records by gathering information and redacting confidential information. In addition to the hard case file, all documents from electronic records in CWS/CMS will need to be printed (DSL, emergency response referral document, investigation narrative, court reports, etc.)</li> <li>• If there is CWS/CMS history in other counties, inform the requestor that they must contact the other county for their record.</li> <li>• Send requested redacted records via encrypted email to requestor with the 04-303, and 04-302 attached. Turnaround time for LE requests is five business days.</li> <li>• Complete the 04-124A and save a copy to the file.</li> </ul>
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<p>LE is entitled to review the complete record. All efforts are made to contact the requestor prior to preparing the request in order to determine what information is essential to their investigation. Generally, the information that is provided is, but not limited to:</p>	
Referrals	<ul style="list-style-type: none"> <li>• Investigation Narratives</li> <li>• 1<sup>st</sup> page only of ERDs evaluated out (EO'd)</li> <li>• Delivered Service Log</li> </ul>
Cases	<p>Delivered Service Log, case notes, case plans, latest Status review report, Juris-Disposition Report, Detention report and 366.26 if available.</p>

**NOTE:** For LE requests, they must state the purpose of the request to determine what information may be released. See the confidentiality guide regarding different types of criminal investigations and the scope of information that may be released.

**Other Child Protection Agencies**

Requests are received by LSS via the public line, US Mail, or by email. Requestors are provided with the 04-312, which provides instructions on what is needed to make a records request.

LSS will handle all requests for records from other child protection agencies. However, should the cases are still open, then the assigned PSW in region will handle the requests.

The table below provides general information for entitled parties who are seeking their records.

WHO	WHAT
Requesting Agency	<ul style="list-style-type: none"><li>Send request for records in writing on their agency letterhead, stating the purpose of the request.</li><li>Provide a copy of their employee identification.</li><li>Client's name and DOB.</li></ul>
LSS	Send 04-124 for agency to complete and return.
Requesting Agency	Return 04-124 prior to receiving requested records.
LSS	Prepare, redact, and send the record to the requestor.

LSS will follow these steps when receiving a request for records.

STEP	ACTION
1	<ul style="list-style-type: none"><li>Check CWM/CMS for all records.</li><li>Gather information from CWS/CMS, and redact privileged information. See confidentiality – general for more information.</li><li>Complete the out of County Summary sheet</li></ul>
2	Send redacted records via encrypted email to requestor with a copy of 04-124, 04-303, and 04-302 attached.
3	Complete the 04-124A and save a copy to the file.

**NOTE:** All necessary and relevant information is provided in its redacted version.

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**Requests Requiring an 827 order of the Court**

When a requestor is not entitled to information under WIC 827 without a protective order, the party must seek an in camera review by the Court of the records through the 827 process. The result of this process is either a denial or a release of records with a protective order. DAs, PD, APDs, represented parties in dependency, and civil attorneys often seek access to records through this process so they can use CWS information in a court proceeding. Generally, attorneys are also requesting a protective order for SW testimony from the Court.

WHO	WHAT
LSS Staff	<ul style="list-style-type: none"><li>• Receive a copy of the <a href="#">JV570</a> from client.</li><li>• Receive an email from juvenile business office requesting the file be prepared for the Court.</li><li>• Determine location of files and order files to LSS.</li><li>• Order all files on child from PCC (medical and cottage.)</li><li>• If case is open, send email to regional SW advising to send files to LSS.</li><li>• Send an affidavit reporting that all documents were provided to LSS.</li></ul>
Regional Staff	<ul style="list-style-type: none"><li>• Prepare the hard file and make copies of any important documents that may need for upcoming hearings or the managing of the case.</li><li>• SW must send files as soon as possible to LSS, as the Court expects response within 10 days of the request.</li><li>• Sign affidavit reporting that all documents have been sent to LSS</li><li>• Contact LSS with any questions.</li></ul>
LSS Staff	<ul style="list-style-type: none"><li>• Prepare the record and send to Court.</li></ul>

**Requests  
Requiring an 827  
order of the Court  
(cont.)**

The following action should be taken:

STEP	WHO	ACTION
1	LSS Staff	<ul style="list-style-type: none"> <li>• Ensure all documents are appropriately filed in the correct tabs</li> <li>• Leave referrals documents together in order in same tab; ERD, DSL, documents, SDM's, transfer/closing summary, etc.</li> <li>• Remove non-discoverable information</li> <li>• Print all documents from CMS/CWS <u>that are not already in the hard file</u></li> <li>• Integrate the CMS/CWS records into the hard file</li> <li>• Update in reverse chronological order for all documents within files</li> <li>• On the intake/law enforcement <b>tab</b>, keep the referrals in order: ERD; Suspected child abuse screener; DSL; attachments; SDM documents; transfer/closing summary</li> <li>• Remove duplicate documents</li> <li>• Scan ALL documents and photos from hard file folder.</li> <li>• Add footer to volume document(s) saved in the scanned files sent to court folder.</li> <li>• Add watermark do documents in the scanned files sent to court.</li> <li>• Create a CD of the scanned files to Court.</li> <li>• Complete a declaration letter informing that all documents collected from the hard and electronic case file were provided to court.</li> <li>• Deliver case and CD along with Declaration letter to court.</li> </ul>
2	Court Business office	Notify LSS that Court reviewed the files and granted or denied the 827 petition and that folders are ready for pick up with a <a href="#">JV574</a> order along with a protective order and attachment "A".
3	LSS Staff	Folder control files and scan JV574 documents into the electronic case file.
4	SW	<ul style="list-style-type: none"> <li>• <a href="#">JV 574</a> court orders are assigned to SWs in LSS. SW prepares the redacted documents.</li> <li>• Client is called when records are ready for release.</li> </ul>

**Alignment with  
SET**

This policy supports [SET Value 5](#), a strong working relationship with the legal system by developing collaborative relationships, and providing a high level of service when working with our partners to release child welfare records.