

CHILD PROTECTIVE SERVICES (CPS) RECORDS REQUEST FORM

Please write neatly & provide as much information below as possible, to the degree that you are comfortable and know the information, so that we can do the most comprehensive search for records on your behalf and respond to you in a timely manner. Thank you.

Name: _____ FOIA #: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone #: _____ Cell#: _____ Email: _____

Maiden Name/
Other Names: _____

Social Security #: _____ Date of Birth: _____

Purpose of Request:

- Seeking an Appeal Court re: Custody/Visitation Other court-related purpose
 Personal Records Intend to file petition re: malicious referral (see attached)
 Other, please explain in detail: _____

Specific Information Needed:

- Summary Information Verification of no CPS history Verification of CPS purge date
 Other, please explain in detail: _____

- Self-Request** **Request by a 3rd party regarding:** _____
NOTE: Will require a signed Release of Information be provided.

Names of Child(ren): _____ **DOB:** _____ **SSN:** _____
_____ **DOB:** _____ **SSN:** _____
_____ **DOB:** _____ **SSN:** _____

Names of Child(ren)'s Parents: _____ **DOB:** _____ **SSN:** _____
_____ **DOB:** _____ **SSN:** _____

Other Names: _____ **DOB:** _____ **SSN:** _____
_____ **DOB:** _____ **SSN:** _____

- Preferred Way To Receive Records** Personal Email (I have been advised of the risks of regular email and accept the risk.)
 Certified Mail Email via an encrypted email program Fax _____

*** I understand I must submit a picture ID to be attached to this request and that there are monetary charges in order for records to be released (\$21.68/hour, \$0.03/page, \$1/disc, & \$8.32 minimum mailing cost, if applicable). The record & fees will be given at the time the record is provided. I agree that any information I receive will only be used for the purpose I have noted above & agree that I will keep the information confidential, except to the extent disclosure is required by law. If I have any questions, I may call (757) 385-0642.

Signature of Citizen Making Request _____
Date



VIRGINIA BEACH HUMAN SERVICES REQUEST FOR CHILD PROTECTIVE SERVICES RECORDS

In order to help you with your request, you will need to do the following:

1. Complete the CPS Request Form on the back of this letter
2. Make a copy of your picture ID
3. Return the completed CPS Request Form and copy of your picture ID to the CQI Office – Fax, email or regular mail – ATTN: FOIA Coordinator

Fax: (757) 473-2104 or **Mail:** Continuous Quality Improvement Division, VBHSD
256 N. Witchduck Road, Suite 2F
Virginia Beach, VA 23462

Email: DHSFOIA@vbgov.com

Confidentiality & What Gets Released:

The Freedom of Information Act, under Virginia Code § 2.2-3705.5(3), does not apply to the release of case records. Case Records may be released however, under the Government Data Collection and Dissemination Practices Act (VA Code § 2.2-3806). CPS records are released according to federal and state laws, including 22 VAC 40-705-160 (A) (6) and (C) and VA Code § 63.2-105. Questions can be directed to: (757) 385-0642.

What this means to you:

- You legally have the right to information about yourself or that you provided.
- By law, we will have to research whether we are able to release any information that exists about your child(ren).
- The identity of the complainant (person who contacted CPS to make a report about alleged abuse/neglect) or information involving other individuals in the CPS record is considered confidential or protected by law from release.
- Confidential information will be redacted or marked through so that it cannot be read.

Timeframe:

- We try to complete requests within 5 business / work days.
- Because of the number of requests we receive, and the staff time needed to review and redact records prior to release by marking through confidential information, we may require an additional 7 work days to complete your request, once we receive your completed CPS Request Form and copy of your picture ID (for a total of 12 work days).

Cost for Records to be Released:

Under state law, the Department is allowed to charge you for the reasonable costs related to responding to your request. The total cost will be included with the records and a bill will be sent to you by the City Treasurer's Office. You do not pay for the record until you receive the bill.

The charges will be based on the amount of time required to gather, review, and redact the records, using the following rates:

- \$21.68 per hour (hourly rate of a Family Services Specialist I) - gather, review, copy & redact records
- \$0.03 per page & \$1.00 per disc
- \$8.32 minimum for mailing costs, unless the record is picked up or sent via email

Risks of Utilizing E-mail to Communicate Confidential Information

The following are some of the risks of using email communication:

- Your agreement with your internet service provider (ISP) most likely requires you to agree to allow the internet service provider (and often their agent) to monitor and read your email. Most ISP's also require that you agree to let them use and disclose the content of your emails. You have to sign these agreements with your ISP in order to receive internet service. ISP's can also copy messages that pass through their networks and store those emails on their servers.
- Emails can be illegally intercepted, altered or used by a third party (e.g. hackers) without your detection or your knowledge.
- Think of email as being similar to a postcard. It is open were anyone listening can see what is contained within the email with no traces left behind.
- Others (e.g. family members or roommates) that have access to your computer or your email accounts will be able to access your emails. This is a significant risk if your computer and email are not password protected.
- Computer malware that has been introduced to your computer (this can be done via an attachment to an email or at a website you have visited) can allow others to have access to your email without your knowledge.
- While we check to ensure we have the correct email address, you need to be aware that there is no guarantee than an email will not be sent to the wrong address. We can easily misaddress email, resulting in it being sent to unintended and unknown recipients. Please note: it is important to enter your email address onto the request form legibly.
- Email delivery is not guaranteed.
- Email can be immediately broadcast worldwide and be received by many unintended recipients.
- Email is easier to falsify than handwritten or signed documents.
- It is impossible to identify the true identity of the sender.
- Backup copies of email may exist even after the sender or the recipient has deleted his or her copy.
- Email can be used as evidence in court.
- If you are using an employer's computer to access your email, your employer has the right to archive and inspect emails transmitted through their systems.
- Contact HSD at dhsfoia@vbgov.com to set up a secure messaging address if you want to use email as a means of sending your report.

Malicious Reporting

If you feel the report was made maliciously, please follow the instructions below.

VA Code § 63.2-1514(D):

Any person who is the subject of an unfounded report or complaint made pursuant to this chapter who believes that such report or complaint was made in bad faith or with malicious intent may petition the circuit court in the jurisdiction in which the report or complaint was made for the release to such person of the records of the investigation or family assessment. Such petition shall specifically set forth the reasons such person believes that such report or complaint was made in bad faith or with malicious intent. Upon the filing of such petition, the circuit court shall request and the local department shall provide to the circuit court its records of the investigation or family assessment for the circuit court's in camera review. The petitioner shall be entitled to present evidence to support his petition. If the circuit court determines that there is a reasonable question of fact as to whether the report or complaint was made in bad faith or with malicious intent and that disclosure of the identity of the complainant would not be likely to endanger the life or safety of the complainant, it shall provide to the petitioner a copy of the records of the investigation or family assessment. The original records shall be subject to discovery in any subsequent civil action regarding the making of a complaint or report in bad faith or with malicious intent.