

**THE PHILADELPHIA DEPARTMENT OF HUMAN SERVICES
CHILDREN AND YOUTH DIVISION
Policy and Procedure Guide**

Issue Date: September 2, 2008

To: All CYD Social Work Staff

From: Anne Marie Ambrose, Commissioner, DHS *Anna*

Re: Photographing Children Who Are the Subject of a CPS Investigation
and All Children Accepted for Service

EFFECTIVE DATE: **Immediately**

The purpose of this Policy and Procedure Guide is to implement DPW's Bulletin 3490-08-02, dated March 24, 2008 which describes the photo requirements of Act 126. Act 126 is the state law requiring the photographing of all children who are the subject of a CPS investigation and all children who are accepted for service, regardless of the type of referral. County agencies are also required to maintain annually updated photographs of all children receiving services.

CYD social workers must take a photo of the child at the next visit to the child's home or placement setting, unless a photo was already taken during a visit within the past six months. The annual photo will be due within one year of the previous photo. Photos must be properly labeled as described below.

This policy will enhance CYD's ability to serve children and families in that it will help to confirm the identity of children, it will ensure that the correct children are served, including when records transfer between county agencies, it will aid in efforts to locate AWOL children and families, and will provide a photographic life history for children in placement.

Policy

CYD social workers must take a photograph of all children who are the subject of a CPS investigation and an identification photo of all children who are accepted for service, regardless of the reason for acceptance. The identification photo is a separate photo for the DHS case record, taken in addition to any photographs of injuries as presently required under the Child Protective Services Law. New photographs must be taken annually. All previous photos and every annually updated photograph needs to be maintained in the record for five years following closure of the family's case.

The documents of children who are transferred to another county agency must contain any photographs of the children, including the annually updated photographs. Including all of the photographs taken of the child(ren) when transferring records provides the receiving agency with the ability to see the growth of the children and to ensure that the child(ren) are not being misrepresented.

For those children living at home, the social worker should explain to the parent/legal guardian and the child, that DHS is required by state law to have a photograph of the child in the case record for identification purposes. To take the identification photograph, the social worker

must receive verbal consent from the parent/legal guardian. That person would also serve as the witness for purposes of identification and verification.

If the parent/legal guardian refuses to give consent, the parent/legal guardian should be asked to sign the Refusal to Photograph form. (see attachment A) A copy of the Refusal to Photograph form must be included in the case record and the refusal should be documented in the case progress notes. The parent/guardian should be asked on a regular basis, but no less often than every six months in accordance with the Family Service Plan/Child Permanency Plan, to agree to photographs being taken as families may be more willing to have their children photographed once an ongoing relationship is developed between the social worker and family.

For children in placement, the reason for the annual photograph should be explained to the foster parent/agency staff member, as well as to the child. Parental permission is not required for identification photographs of children in the custody of DHS.

When a parent/legal guardian refuses to allow the social worker to take a photograph, other current (within the past six months) photos the family may already have can be used, as long as the identity of the child(ren) and the date the photograph was taken can be verified. Acceptable types of photographs include family pictures, school pictures, or sports photos. Verification can occur by asking the child's school or any other community agency that they may be involved with for verification or by listening to what name other siblings or children call each other.

All photographs must be properly labeled and kept in the case record.

Photographing Injuries during CPS Investigations:

When investigating a report of suspected child abuse in which a child has sustained a visible injury, the CYD social worker will take or obtain color photographs of the injury. Photographs must include one snapshot in which the child is clearly identifiable with the injured part of the body visible, in order to establish the identity of the child and the actual location and extent of the injury. More than one photograph of the injury is to be taken if necessary to obtain a clear close-up of the injury.

When investigating a CPS report in which a physical injury has been alleged to occur, if no evidence of that injury can be found, a photograph of the part of the body where there is alleged to be an injury should be taken to confirm there is no injury.

The bathing suit rule, professional judgment and respect for children must be taken into consideration when making a decision about who takes the photographs and/or when they are taken. See CYD Manual Section 3150, Examining and Photographing the Subject Child.

Procedure

- DHS social workers will obtain cameras from the designated person in each Ongoing Services Center.
- The social worker must take duplicate individual photographs of each child who is the *subject* of the CPS report and all children in the family at the time they are accepted for service and annually thereafter. The only exception to this would be multi-family households where only the children of the family that are accepted for services are subject to this requirement.

- For children receiving in-home services, the social worker must explain the reason for the identification photo to the parent/guardian and the child. The parent/guardian must verbally consent to the photo. If they refuse, they should be asked to sign the Refusal to Photograph form, which must be placed in the case record. In addition, the refusal must be documented in the case record. If the parent refuses to sign the Refusal to Photograph form, this should also be documented in the case record.
 - Each individual child’s identification photograph should be a close-up view of the face. It is suggested that the child be placed in front of a plain background with as little clutter in the picture as possible.
- When the social worker returns to the office, the camera must be returned to the designated person in the Ongoing Services Center and the film envelope filled out with the worker’s name and phone number.
- Once the film returns from processing, the designated person for each Center will put the returned film envelope in the social worker’s mailbox with pre-printed labels for the photographs.
- Social workers must affix a label to the back of each photograph containing the following information:
 - Name of child
 - DHS case number and suffix
 - Age of child at time of photograph
 - Photo taken by
 - Date of photo
 - Time that photo was taken
 - Location of photo
 - Names of any witnesses present
 - Signature of photographer (and printed name)
- The identification photograph and negatives are to be placed in a clear plastic sleeve and filed in the front of each child’s section of the case record. All previous photos are kept in the case record along with the current annual photo.
- All previous photos and every annually updated photograph needs to be maintained in the record for five years following closure of the family’s case. Old photographs may not be expunged when a new annual photograph is taken.
- When transferring the case of a child to another county agency, the documents must include duplicates of all photographs of the children, including the annually updated photographs, to ensure proper identification. The case file and the original photographs remain with CYD.
- Material will be expunged per current expungement requirements.

Questions regarding this Policy and Procedure Guide may be addressed to:
 Patricia Ripoll, Policy and Planning Administrator x4112

**Philadelphia Department of Human Services
Children and Youth Division**

REFUSAL TO PHOTOGRAPH

Name of Child(ren) _____

Case Number/ Child suffix(es) _____

DHS is required by state law (Act 126) to have an up to date photograph for identification purposes of all children who are the subject of a Child Protective Services investigation and all children who are accepted for services by the agency. County children and youth agencies are also to maintain annually updated photographs of children in the family case record. In order to take the identification photograph, DHS requires the consent of the child's parent or legal guardian if the child has not been placed in DHS' custody.

The Act recognizes that parents may not be in agreement to having their child's photo taken and requires documentation of denials.

If a parent/guardian is not willing to grant permission for the child's photo to be taken, it is permissible for the parent/guardian to provide current photographs of the child as long as the identity of the child and the date of the photograph can be verified.

_____ As parent/guardian, I do not give DHS permission to take a photograph of my child(ren) and I am unwilling to provide a photograph of my child(ren) with verification of the date taken.

Parent/Guardian

Date

Social Worker

Date