

## Red Flag the Red-flag Case Notes or Face Disaster

By **Daniel Pollack** | August 27, 2015



Child welfare systems — federal, state, county or city — contain vast repositories of information. Each time a case is opened, worked on or closed, valuable information about children’s needs is recorded — much of it in compliance with a wide assortment of legal requirements. As a result, the department builds a rich history of a child’s life that can be used as an important resource for years.

Much case information is electronically recorded: information and experience we refer to as institutional memory. Unfortunately, this institutional memory is only retrievable when someone sidles up to a veteran worker and asks, “Hi, Jane, do you remember when ... ?” Or “Hi, Jane, do you recall how ... ?” Jane may or may not be able to access the crucial information. And even if Jane still works in the department, relying on her is hit or miss. She may not recall, she may be on vacation or she may no longer be in that unit.

I have been retained as an expert witness by both plaintiffs and defendants on many lawsuits, many of them involving negligence, abuse or death in

out-of-home settings. In the voluminous records I comb through, I often uncover the telltale red flag: “Under no circumstances should this child be placed back with her biological father.”

“Johnny is a runner. He needs to be watched at all times.”

“I’m concerned that Tom may have molested his sister.”

“Sheila is asthmatic. She needs to have her medicine with her.”

Nothing untoward may happen for weeks, months or even years. These electronic and institutional recordings may be forgotten, buried by time and staff turnover. Then it happens: The father obtains custody of his daughter and rapes her. Johnny runs into oncoming traffic and is killed. Tom is discovered to have been molesting his sister for years. Sheila is sent to a respite placement without her asthma medication and dies on the way to the hospital.

Child welfare workers can avert disasters by doing one simple thing: Note red-flag concerns front and center. A doctor knows immediately if you are allergic to aspirin, are diabetic, have a pacemaker, etc. Such information is not concealed deep in a stack of files. Any health professional who picks up the chart, electronic or paper, is alerted to critical information immediately. Why? Because it’s literally on the first page.

Child welfare workers control the evidence that one day may be used to defend themselves in a lawsuit. If important information is communicated by phone or text but never transcribed into the client’s record, an attorney may be able to convince a jury that the communication never took place.

As sincerely as the child welfare worker explains the oversight, in the end, a missing case note can make the worker look unprofessional or, even worse, dishonest. Just as egregious is a case note — however old — that whispers or screams out a warning but is found to have been disregarded.

Case recording is a compilation of details. But there are trivial details and red-flag details. The job of every child welfare worker: Red flag that red-flag information!

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