

Practice Note

Prevention of Abandoned Records

A sudden change in our health can impact us both personally and professionally. A social worker's retirement, relocation, bankruptcy, or incapacitation may leave their social work practice, client records, and financial records at risk. Having a plan for what happens if you suddenly die or become incapacitated helps you and your family. In addition to an executor for your personal will, the Canadian Association of Social Workers¹ (CASW) outlines that social workers in private practice should develop a professional will that appoints qualified persons to take charge of the business, including client records.

To practice ethically, social workers should consider a succession plan for their private practice, specifically what should happen to their records and to the unfinished business of their social work practice.

Records are at risk of abandonment if there are no instructions or if a succession plan is not clear. Where records are abandoned, this could lead to privacy breaches, deprive individuals of their right to access file information and/or result in important information being unavailable for a client's care.

Appointing a qualified person, a trustee, to take charge of records ensures ethical and legal fulfillment of confidentiality, security, and access obligations and helps prevent abandonment of records.

MCSW recommends that social workers in private practice follow best practices to prevent abandonment of records by establishing a succession plan/professional will that clearly identifies a successor/professional executor and considers the following:

- Management and security of active and closed client files, including responding to access requests
- Management of professional calendar and schedule
- Management of unpaid bills and collection of final invoices
- Management of third-party agreements and accounts (leases, insurance policies, financial accounts)
- Private Practice policies, including storage, retention and destruction of records
- Notification to service participants of closure of practice and the retention, transfer or disposal of files
- Informed consent for release of information
- Professionals to be considered for referrals
- Access information for office, email, voice messages, computers, digital file storage, passwords
- Location of key/s and filing cabinet/s
- Contact information for attorney, if applicable
- Compensation to be paid to the professional executor

Relevant Social Work Standards and Ethical Principles

MCSW Standards of Practice, Section 5.17 - *Social Workers who intend to terminate independent practice in Manitoba will notify the College of their future location and of the future location of the client records.*

MCSW Code of Ethics, Section 1.7.5, - *Social Workers ensure that clients have reasonable access to official social work records concerning them. e.g., Access to Information Act (1983).*

MCSW Code of Ethics, Section 1.7.8 – *Social Workers protect clients’ records, store them securely and retain them for any required statutory period.*

MCSW Code of Ethics, Section 1.7.9 – *Social Workers transfer or dispose of clients’ records in a manner that protects clients’ confidentiality and is consistent with provincial/territorial statutes governing records and social work regulation. Social Workers also ensure that mechanical or electronic records are properly transferred or disposed of.*

MCSW Code of Ethics 1.8.6 – *When obliged to interrupt or terminate a professional relationship, Social Workers advise clients regarding the discontinuation of service and if possible, ensure their referral to another professional.*

Resources:

Access to Information Act, <https://laws-lois.justice.gc.ca/eng/acts/A-1/index.html>

[Kenneth S. Pope](#), Ph.D., ABPP, [Melba J. T. Vasquez](#), Ph.D., ABPP, [Nayeli Y. Chavez-Dueñas](#), Ph.D., & [Hector Y. Adames](#), Psy.D. (2021). *Ethics in Psychotherapy and Counseling: A Practical Guide*. 6th Ed. Wiley Ebook. *Chapter 18 Developing a Professional Will*.

NASW, [When a Clinical Social Worker in Solo or Group Practice Dies - National Association of Social Workers \(naswma.org\)](#)

[Personal Health Information Act](#)

What every older Canadian should know about: Having a will and making funeral plans;
<https://www.canada.ca/en/employment-social-development/corporate/seniors/forum/will-funeral-plan.html>

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¹ Canadian Association of Social Work, Private Practice Portal, [Private Practice Portal | Canadian Association of Social Workers \(casw-acts.ca\)](#)

Practice Notes provide support and information for Manitoba social workers, employers, and members of the public regarding social work practice issues. These notes offer general guidance only and are not a substitution for legal advice. College members with specific inquiries are invited to consult the College.