

BUTLER COUNTY CHILDREN SERVICES

POLICY NO.: 9.1	SUBJECT: CONFIDENTIALITY AND RELEASE OF CASE RECORD INFORMATION
OAC: 5101:2-34-38, 2-35-16 ORC: 2151.141	EFFECTIVE DATE: 9/12/03
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PURPOSE:
To protect confidentiality of child abuse and neglect information while ensuring that information relevant to cooperative case planning is disseminated.

POLICY:

1. The identities of the reporter and any person providing information during the course of a child abuse or neglect investigation shall remain confidential. Revealing or releasing the referral source (the name of the person, school, or agency that calls in or reports to BCCS a concern of abuse, neglect or dependency) to anyone not listed in (A) - (D) below is a criminal offense, (OAC 5101:2-34-38). The only persons who may receive the identity of a referral source are:
 - (A) ODJFS staff with supervisory responsibility for children's protective services;
 - (B) Law enforcement officials who are investigating a report of child abuse or neglect or a report that a person violated section 2921.14 of the Revised Code (knowingly making or causing another person to make a false report);
 - (C) The county prosecutor who is investigating a report of child abuse or neglect or a report that a person violated section 2921.14 of the Revised Code (knowingly making or causing another to make a false report); and,
 - (D) Any PCSA (in-state or out-of-state) investigating a child abuse or neglect report involving a principal of the case.

Except for the above listed individuals/agencies, BCCS staff may not release the name of the referral source without the referral sources written consent. Any written consent by a referral source to release their identity shall be approved by the Executive Director or his designee before releasing the referral source. If any records are released or reviewed, except as permitted by 9.1.1 A-D, or with written consent of the referral source, the referral source shall be redacted or removed before release or review.

2. Mandated reporters may receive information regarding the status of an agency investigation for which they made a report of abuse or neglect. Mandated reporters are defined by ORC 2151.421 as:

- (A) Attorney;
- (B) Physician, including a hospital intern or resident;
- (C) Dentist;
- (D) Podiatrist;
- (E) Registered nurse;
- (F) Licensed practical nurse;
- (G) Visiting nurse
- (H) Other health care professional;
- (I) Licensed psychologist;
- (J) Licensed school psychologist;
- (K) Speech pathologist or audiologist;
- (L) Coroner;
- (M) Administrator or employee of a child day care center;
- (N) Administrator or employee of a certified child care agency or other public or private children services agency;
- (O) School teacher;
- (P) School employee;
- (Q) School authority;
- (R) Social worker;
- (S) Licensed professional counselor, and;
- (T) Person rendering spiritual treatment through prayer in accordance with the tenets of a well recognized religion.

OAC 5101:2-34-38 allows that the following may be shared with mandated reporters regarding a report they made, if the mandated reporter provided his or her name, address and telephone number at the time the report was made:

- (A) Whether the agency has initiated an investigation of the report;
- (B) Whether the agency is continuing to investigate the report;
- (C) Whether the agency is otherwise involved with the child who is the subject of the report;
- (D) The general status of the health and safety of the child who is the subject of a report, and;
- (E) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

Staff shall verify the identity of the mandated reporter before releasing any information to the mandated reporter. One way to verify the identity of a mandated reporter is to ask for the phone number of the mandated reporter and phone them back at their place of employment if possible to provide this information. Workers may also request verification of the details of the report, including the reporter's phone number, address, etc...

3. Except as prohibited by 1., principals of the case may receive information regarding the allegations of abuse or neglect and the disposition/resolution of the investigation. Principals of the case or report are the parent or caretaker, the child victim, and the alleged perpetrator.

4. The agency strives to be as open as possible with parents whose children are in BCCS custody (temporary or PPLA). Parents of children in BCCS temporary custody or PPLA will receive medical and educational information about their children as requested, unless deemed harmful to the children by the Executive Director or his designee. Any worker who believes the release of this information is detrimental to a child shall seek approval by the Executive Director or his designee for the denial of the information to the parents. The caseworker shall provide educational and medical records to parent(s) redacting names of school and addresses or any other information necessary to protect the safety of the child. Foster parents' names and addresses shall be redacted for all records before releasing to parent(s)/custodian(s).
5. A principle of the case requesting to review an agency case record or requesting copies of information from a case record shall be given the form " Request for Case Record Information" to help facilitate their request. If the requestor cannot or does not wish to fill out this form the worker or staff member receiving the oral request for records shall fill out the form and indicate that an oral request for records was made. Once this form is completed, it shall be given to the authorized staff member who shall respond to the request. The authorized staff member shall consult with the Executive Director as necessary to respond to the request. If necessary, records shall be redacted before release. Before any request to release records or provide information is denied, the Executive Director shall be consulted. Copies of the " Request for Case Record Information" shall be placed in the main case file.

Written requests sent directly to the Executive Director for release of records shall be forwarded to the authorized staff member.

Any requests for copies of psychological evaluations or medical records from the individual who is the subject of the evaluation or medical record shall be processed by the worker if the case is active. If the case is closed the staff member authorized to release records from a closed file will process the request. Any worker who believes the release of this information is detrimental to the individual shall seek approval by the Executive Director or his designee for the denial of the information.

6. Prior to placing a child into a substitute care setting, BCCS foster care unit staff shall verbally provide the substitute caregiver with pertinent information that BCCS possesses, that will allow the caregiver to make an informed decision as to whether the caregiver can provide care for the specific child. When BCCS places a child in a setting that is operated by or under the direction of another agency, the information shall be provided to the person responsible for the day-to-day operation of the agency. The caseworker placing the child will be required to provide the information in writing by way of the ICCA. The information provided shall include:
 - (A) The child's prior history of maltreatment, if applicable;
 - (B) The child's health, behavioral characteristics, identified treatment and service needs, and current plans to meet those needs, as identified in the case plan for the child and his/her family;
 - (C) Any special needs the child may have such as special diets, therapy, tutoring, learning disabilities, and any other need requiring assistance from the substitute caregiver.;
 - (D) The type of school the child will attend, if applicable;
 - (E) The child's visitation schedule with his/her parents or guardian; and,

- (F) The ICCA (Individual Child Care Agreement) which includes the above information.
- (G) When a child who has been adjudicated delinquent for commission of any of the following offenses is being placed into a family foster home, a written report containing the information specified below, shall be provided to the foster caregiver prior to the child's placement being made, unless the placement is made on an emergency basis:
 - (a) Aggravated murder;
 - (b) Murder;
 - (c) Voluntary manslaughter;
 - (d) Involuntary manslaughter;
 - (e) Felonious assault;
 - (f) Aggravated assault;
 - (g) Assault;
 - (h) Rape;
 - (i) Sexual battery;
 - (j) Gross sexual imposition;
 - (k) Conspiracy involving an attempt to commit aggravated murder or murder; or,
 - (l) Any other offense that would be a felony if committed as an adult, and the child, upon committing the offense, was found to be using or in possession of a firearm.

The written report required for children being placed in family foster homes and previously adjudicated delinquent by reason of the above listed acts, shall contain the following information including information provided to BCCS by Butler County Juvenile Court:

- (A) A summary of the child's social history;
- (B) Unless a child's record has been sealed pursuant to section 2151.358 of the Revised Code, a description of all the known acts committed by the child that resulted in the child being adjudicated delinquent and the disposition made by the court. If the agency knows the child's record has been sealed, the foster caregiver shall be informed in writing by BCCS that the child's record of a prior delinquency adjudication has been sealed;
- (C) A description of any other violent act committed by the child of which the BCCS is aware;
- (D) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child;
- (E) If no psychiatric or psychological evaluation is available the agency shall provide the substantial and material conclusions of any examination to detect mental and emotional disorders completed by a licensed social worker or licensed professional counselor if available; and,
- (F) Unless a psychological examination of the child has been conducted by a psychiatrist or psychologist within twelve months prior to the date the child is placed in a family foster home, BCCS shall assure that a psychological examination of the child is conducted and that a written report detailing the substantial and material conclusions and recommendations of the examination is provided to the foster caregiver no later than sixty days after placing the child in the family foster home.

BCCS shall not provide any part of a psychological, psychiatric, or mental and emotional disorder examination to the foster caregiver other than the substantial and material conclusions.

When placement of a child occurs on an emergency basis or due to an emergency change in the child's case plan, BCCS shall provide information listed above to the caregiver within ninety-six hours of the child's placement.

BCCS shall maintain in the child's case record a copy of the information that was provided to the potential substitute caregiver, including the date the information was provided, and the substitute caregiver's acknowledgment of receipt of the required information.

BCCS shall provide the substitute caregiver with a copy of the ODHS 1443 "Child's Education and Health Information" form, or the form being used in lieu of the ODHS 1443, at the time the case plan document is provided, or at least within five days after BCCS has received the information and completed the ODHS 1443. The agency shall maintain a copy of the ODHS 1443 in the child's case record. When the agency's custody of the child ends and the child is a minor, the most recent "Child's Education and Health Information" form shall be released to the child's custodian, unless the release would result in an adverse or negative consequence to the child as determined by the Executive Director.

7. When BCCS intends to place a child in a family foster home in a county other than the county in which the child resided at the time he was removed from his home, a representative of BCCS shall orally communicate the intended placement to the foster caregiver with whom the child will be placed. If the child will attend school in the district in which the family foster home is located, a representative of the agency shall also orally communicate the intended placement to a representative of the school district's board of education.

The representative of BCCS shall provide the following information to the foster caregiver and/or school district in the above oral communications:

- (A) A discussion of safety and well-being concerns regarding the child and, if the child attends school, the students, teachers, and personnel of the school;
- (B) A brief description of the reasons the child was removed from his home;
- (C) The services the child is or will be receiving;
- (D) The name, address and telephone number of the agency that is or will be directly responsible for monitoring the child's placement and the name and telephone number of the contact person for the agency;
- (E) BCCS's address and telephone number and the name of a contact person at BCCS;
- (F) The name of the previous school district attended by the child, and,
- (G) The last known address of the child's parents.

No later than five days after a child placed in an out of county family foster home is enrolled in school in the district in which the foster caregiver resides, the agency having custody of the child shall provide in writing the information orally communicated to both the school district and the child's foster caregiver.

8. When BCCS places a child who has been adjudicated to be an unruly or delinquent child places the child in a family foster home in a county other than the county in which the child resided at the time of being removed from his home, BCCS shall provide in writing the

following information to the juvenile court of the county in which the family foster home is located:

- (A) The services the child is or will be receiving;
 - (B) The name, address and telephone number of the agency that is or will be directly responsible for monitoring the child's placement and the name and telephone number of the contact person for the agency;
 - (C) BCCS's address and telephone number and the name of a contact person at BCCS;
 - (D) A brief description of the facts supporting the adjudication that the child is unruly or delinquent;
 - (E) The name and address of the foster caregiver; and
 - (F) Safety and well-being concerns with respect to the child and the community.
9. Relative or non relative home studies shall be provided to or reviewed with the person studied if requested, redacting all information regarding other persons living in the home or information from sources outside of the agency.
10. Records regarding substance abuse assessments or treatment of any persons other than children currently in agency custody, may only be released with a written authorization of the subject of the assessment or the treatment records, or by court order. Before releasing substance abuse records pursuant to court order, the court order shall be reviewed by the authorized staff member.
11. When a Guardian ad Litem requests to view a case file regarding a child they are currently appointed as Guardian ad Litem for they shall be provided with appropriate case information on that child.
12. When referring an adult to a service provider, the following may be provided to the service provider with a signed release by the adult to be referred:
- (A) Case plan
 - (B) General background information, including history with BCCS
 - (C) Names of other agencies which may be able to provide information regarding the adult
13. When referring a child who is in agency custody to a service provider, a worker may release as needed the following information:
- (A) Case plan
 - (B) Health information, if relevant to the service being provided
 - (C) Provider Reports
 - (D) Educational Information
 - (E) Psychological or Psychiatric Assessments as necessary
 - (F) Known history of abuse or neglect, as well as delinquency
14. When referring a child who is not in agency custody to a service provider, a worker may release with a signed release by the child's current legal custodian authorizing the release of each to the service provider, the following:

- (A) Case plan
- (B) Health information, if relevant to the service being provided
- (C) Provider reports
- (D) Educational information
- (E) Psychological or psychiatric assessments
- (F) Known history of abuse or neglect, as well as delinquency

15. When placing a child in agency custody in a residential treatment facility, a worker may release the following to the RT:

- (A) Health information
- (B) Provider reports
- (C) Educational information
- (D) Psychological or psychiatric assessments
- (E) Known history of abuse or neglect, as well as delinquency

16. Subpoenas requesting records (Subpoena Duces Tecum); employment background checks requested by other agencies; records requested by other children services agencies; and, records requested by courts will be processed by the authorized staff member.

Caseworkers involved in pending Butler County Juvenile Court cases may provide all case information to the attorney/Assistant Prosecuting Attorney assigned to represent the agency in the case.

17. The names and addresses of foster parents or other out of home placements of children will not be released by the agency, except as required by ODJFS or state law.

18. Once an adoption is finalized, the agency records regarding the adopted child cannot be released to anyone absent a probate court order. The agency records may be examined without court order by the agency for official administrative purposes, and by the ODJFS for official administrative, certification and eligibility determination purposes.

19. Any requests for agency records not mentioned in this policy shall be brought to the authorized staff member's attention to determine its release.

20. All records released by any agency staff, requires the completion of the form, "Memorandum to File re: Release of Records". The Memorandum will be placed in the case file.

21. Adoption Specialists may release all information regarding the child to the adoptive-placement of a child. The receipt of information form may be used in lieu of the Memorandum to File re: Release of Records Form. Probate Court may receive the child's pre-finalization adoption assessment, adoption homestudy and safety audit, adoptive parents' medicals with release signed, financial form, 1616 social medical history, original birth certificate. Attorneys representing adoptive families in probate court for the purpose of adoption may receive the Consent to Adoption, Child custody affidavit, permanent custody entry, receipt of information form, 1616 social medical history, child's original birth certificate.

22. Law enforcement officials investigating cases of child abuse or neglect shall be given full access to the relevant BCCS family file. Requests by law enforcement to see other family files,

not the subject of a current law enforcement investigation shall be referred immediately to the Executive Director.

23. Before discarding any documents or papers with any client or child information, the worker will verify that the document or paper is not required to be maintained permanently in the case record. If able to discard, such information shall be shredded. Placing documents or papers in waste baskets or recycling bins without shredding first is a violation of this policy.



Approval Date: 11/1/07

Michael A. Fox, Executive Director