



Policy: Confidentiality of Case Records

ChildNet Number: CN 001.005

Original Approved Date: June 11, 2003

Policy Revised Date(s): November 1, 2003, December 2, 2009, June 16, 2010, May 14, 2014

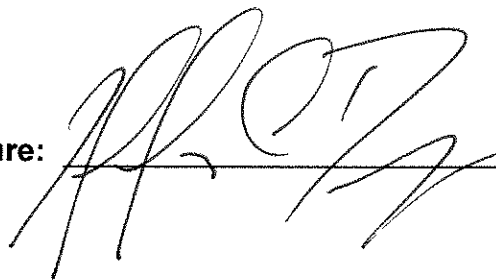
Policy Sunset Date:

COA Standard(s): CR 1.03, 2.01, 2.02, 2.05, RPM 8.01, 8.02, 8.03, 8.04

Statement of Policy:

It is ChildNet's policy to assure the confidentiality of all case records, thus ensuring the client's privacy. ChildNet shall observe all of the requirements pertaining to the Health Information Portability and Accountability Act of 1996 (HIPAA).

Board Chair's Signature:



Date:

5/22/14



Procedure: Confidentiality of Case Records

ChildNet Number: CN 001.005

Original Approved Date: June 11, 2003

Procedure Revised Date(s): November 1, 2003; December 2, 2009; June 16, 2010, October 28, 2010, February 10, 2011, May 14, 2014, March 20, 2018

Procedure Sunset Date:

COA Standard(s): CR 1.03, 2.01, 2.02, 2.05, RPM 8.01, 8.02, 8.03, 8.04

Definitions (If any):

Statement of Procedure:

This operating procedure establishes the method to be used for ensuring confidentiality of ChildNet's case records. This is applicable to all ChildNet staff and volunteers and to all ChildNet client case records.

- A. Training Requirements. All ChildNet employees and volunteers must receive a copy of this operating procedure upon employment or service. Receipt of this operating procedure shall be documented in the employee's or volunteer's personnel file. Pre-service entry level training shall include current revisions to confidentiality laws and shall be available on an on-going basis. All employees and volunteers are required to take the Health Information Portability and Accountability Act of 1996 (HIPAA) training upon employment or volunteer service with ChildNet.
- B. General Requirements.
1. Information in case records generated as a result of child abuse and neglect investigations is confidential and may be released only under specific circumstances, which are outlined in Chapter 39, Florida Statutes (see Records Concerning Children, 39.00145, Fla. Stat and Confidentiality of reports and records in cases of child abuse or neglect provides exact guidance as to case record access, 39.202. Fla. Stat. ChildNet staff should become familiar with these statutes and should consult with ChildNet Legal or Children's Legal Services (CLS), Department of Children and Families or the Children's Legal Services (CLS) unit of the Office of the Attorney General prior to responding to requests for information.
 2. All client records are stored in a secure file room, and loaded and maintained in Safenet, an electronic document storage system maintained per Records Management Unit Operations Manual. Safenet can be accessed by authorized users to quickly search for and retrieve client records.



3. Pursuant to Section 39.202(5), Florida Statutes, the name of and any identifying information about the person reporting abuse or neglect is strictly confidential and must not be released (without the written consent of the person reporting) to any persons other than employees responsible for child protective services.
4. The name and all information identifying the reporter must be redacted (blacked out) before allowing access by persons authorized by law to examine copies of records. Final reports of investigations can be printed without reporter information. Reports made public after petitioning the court must have all names and identifying information removed or blacked out prior to release. This redaction process should be reviewed either by the Department of Children and Families District Legal Counsel, ChildNet Legal Department or CLS, Department of Children and Families or the CLS unit of the Office of the Attorney General prior to releasing the information.
5. Any information in the case record that pertains to the adoption of a child or a child's sibling must not be released without first consulting with ChildNet Legal Department, Department of Children and Families District Legal Counsel, or the Office of the Attorney General. Access to adoption records is governed by the provisions of section 63.162, Florida Statutes, and must be read in conjunction with section 39.00145, Florida Statutes and may require a court order.
6. If a case record contains medical, psychological, or psychiatric reports, school records, or information about clients received from domestic violence centers, which ChildNet has obtained through consent of the subject, the information must not be released without written authorization of that subject. The client is to receive a copy of any written authorization to release records. All HIPAA requirements must be followed. The person requesting access to the record should be told of the existence of any such report and referred to the generating source. These reports are confidential and are not to be shared without the consent of the subject unless permitted by law. The client/subject is to receive notice of any release of records that is permitted by law. Documentation regarding the provision of notice shall be entered into the Comprehensive Welfare Information System (CCWIS), if the CCWIS case is open, within 48 hours of the release of records.
 - a. There is a limited exception: if the report, record, or other information has been filed in the official court record, section 39.0132(3), Florida Statutes, allows access to the child, parents or legal custodians of the child and their attorneys, law enforcement agencies, and ChildNet and its designees.
 - b. Statute also does not apply to reports or opinions which form the basis for a dependency petition and which may be discoverable under the Rules of Juvenile Procedure. When a request for information pertaining to a case in dependency litigation is received, ChildNet Legal Services, CLS Department



of Children and Families and the CLS unit of the Office of The Attorney General must be consulted prior to release.

7. All records and reports of the Child Protection Team (CPT) are confidential and exempt from the provisions of sections 119.07(1) and 456.057, Florida Statutes, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, DCF, and necessary professionals in furtherance of the treatment or additional evaluative needs of the child, by order of the court.
8. Anyone to whom copies of an abuse report and related case material is given is subject to the same requirements to maintain confidentiality as is ChildNet's employee releasing the information. For this reason and to better assist and provide the records the party is requesting, recipients of case material, other than authorized department staff and the Guardian Ad Litem representing the child, are asked to sign an affidavit that they understand their responsibility to maintain confidentiality and the penalty for violations.

C. Access to Records.

1. Pursuant to section 39.202(2) Florida Statutes, the following persons or entities have access to department records of child abuse, neglect or abandonment:
 - a. Employees or authorized agents of ChildNet responsible for:
 1. Child or adult protective investigations;
 2. Ongoing child or adult protective services;
 3. Early intervention or prevention services;
 4. Licensure or approval of adoptive homes, foster homes, or other homes used to provide for the care and welfare of children (because licensing files are public record, any abuse or neglect records must be kept segregated to avoid inadvertent disclosure).
 - b. Employees or agents who are responsible for the provision of services to children.
 - c. Criminal justice agencies of appropriate jurisdiction, including but not limited to, Florida Department of Law Enforcement, county sheriffs' offices, local police offices, probation and parole, the Department of Juvenile Justice, and the FBI.
 - d. The Office of the Attorney General and State Attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred (access includes name of reporter).
 - e. The parent or legal custodian of any child who is alleged to have been abused, neglected, or abandoned. Access must be granted no later than 30



days after ChildNet receives the initial report of abuse, neglect or abandonment. However, any information otherwise made confidential or exempt by law (such as food stamp records, independent medical, psychological, psychiatric reports, CPT records, and HIV information) shall not be released, pursuant to this paragraph.

- f. Any person alleged in the report as having caused the abuse, neglect, or abandonment of a child. Access must be granted no later than 30 days after the department receives the initial report. When the alleged perpetrator is not a parent, the information released shall be limited to the protective investigation only. Any information otherwise made confidential (see paragraph 'e' above) shall not be released.
- g. A court upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection *in camera*, unless the court determines that public disclosure of the information is necessary for the resolution of an issue then pending before the court.
- h. A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.
- i. Appropriate officials of the Department of Children and Families, the Agency for Persons with Disabilities, Division of Administrative Hearings, human rights advocacy committee, Auditor General, Public Employees Relations Commission, Department of Revenue, and the Guardian Ad Litem for the child, if related to case-specific activity.
- j. Authorized persons for bona fide research, statistical, or audit purposes with the approval of the department and such persons entering a privacy and security agreement.
- k. Employees or agents of a counterpart social services agency in another state, if related to case-specific activity.
- l. Designated employee of the local school district who is designated as a liaison between the school district and the department. Also, the principal at the school where the child attends. Information contained in the records which the liaison or the principal determine are necessary for a school employee to effectively provide a student with educational services may be released to that employee.
- m. A physician, psychologist or mental health professional engaged in the care or treatment of the child.

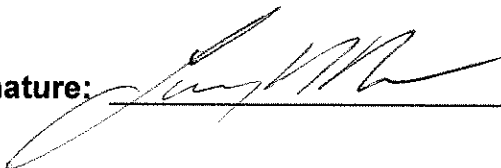


- n. Persons with whom the department is seeking to place the child or to whom placement has been granted, including foster parents, approved relative or non-relative with whom the child is placed, pre-adoptive parents, adoptive parents, or an adoption entity acting on behalf of pre-adoptive or adoptive parents.
2. ChildNet may release to professional persons such information as is necessary for the diagnosis and treatment of the child or the person perpetrating the abuse.
 3. Florida Statute sections 39.00145 and 39.202(2) (d) allows the child or the attorney for the child, parent, custodian, or guardian to have access to abuse records. In addition, section 39.0132 Florida Statutes continues to allow the child and the specified attorneys to have access to court dependency records. Since ChildNet's case file normally includes copies of records which have been filed with the court, copies of these records can, under confidentiality provisions, and must, under legal rules of procedure, be provided to the child and attorneys. (See Child Access to Case File).
- D. HIV/AIDS Records. The following procedures shall apply to HIV/AIDS records and information access (all HIPAA requirements shall be adhered to in releasing health information):
1. Case narrative will not contain any reference to the child's HIV infection or AIDS.
 2. ChildNet shall disclose to adopting or substitute care parents the medical condition, but not the name, of an HIV/AIDS positive child prior to such time as the decision to adopt or accept the child into the substitute care home has been made by the parents. Only after the parents have made the commitment to adopt or accept the child into the home shall the name of the child be provided.
 3. The substitute care parents shall be provided with documentation of the complete medical history and condition of a child placed in their care, including HIV/AIDS status. This documentation must be maintained by the substitute care parents and held as confidential information with access strictly limited to the child's physician(s) and other providers of medical and dental care when treatment is required.
 4. Medical documentation needed for school enrollment, day care or similar purpose must be provided separately by the physician and may not contain any reference to the child's HIV/AIDS status.
 5. The child's case records will not be segregated or flagged in any way which would permit their identification as case records of HIV infected children.



E. Penalties

1. A person who knowingly and willfully makes public or discloses to any unauthorized person any confidential information contained in the central abuse registry is subject to the penalty provisions of section 39.205, Florida Statutes (second degree misdemeanor).
2. A person who unlawfully discloses HIV/AIDS information is subject to the penalty provisions of section 384.34, Florida Statutes (first degree misdemeanor).

President's Signature:  Date: 04-17-18