

Case Services Policy

Case Services Policy admin Mon, 08/06/2018 - 06:59

- [4120. Confidentiality](#)

4120. Confidentiality

4120. Confidentiality sarah.sanchez Mon, 08/06/2018 - 09:30

1. Except as provided in RCW 70.24.105 regarding confidentiality and HIV information DCFS and child placing agencies shall share information about the child and the child's family with out-of-home care providers regarding developing, monitoring, and revising a child's case plan. Upon any placement, the department of social and health services shall inform each out-of-home provider if the child to be placed in that provider's care is infected with a blood-borne pathogen for which the child was tested if known by the department. These providers include foster parents, relative care providers, and group home staff. [RCW 26.44.030](#); [RCW 74.13.280](#)
 1. A CA social worker, a child placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement case-planning decisions or recommendations to the court regarding a child, who is less than 14 years of age, has a sexually transmitted disease, and is in the custody of the department or a licensed child placing agency may receive information regarding the child, diagnosis, or treatment relating to HIV infection or any other confirmed sexually transmitted disease.
 2. The social worker or medical provider may also provide information regarding HIV or sexually transmitted diseases of the child less than 14 years of age to a person responsible for providing residential care for such a child when the department or a licensed child placing agency determines that it is necessary for the provision of child care services. [RCW 70.24.105](#)
2. If the department conducts case planning and consultation upon the request of a mandated reporter, information considered privileged by statute and not directly related to reports required by RCW 26.44.030 shall not be divulged without a valid written waiver of the privilege, except under conditions described below.
3. Whenever information is shared with a child's out-of-home care provider, all persons receiving such information shall keep the information confidential and not disclose or disseminate the information except as authorized by law. [RCW 26.44.030](#); [RCW 74.13.280](#)
4. Consistent with the provisions of chapter 42.17 RCW and applicable federal law, the department shall disclose information regarding the abuse, neglect, or near fatality (see [Appendix A](#) for the definition) of a child, the investigation of the abuse or neglect, and any services related to the abuse or neglect of a child if any one of the following factors is present:

1. The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in FamLink;
2. The investigation of the abuse or neglect of the child by the department or the provision of services by the department has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;
3. There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or
4. The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from, the department at the time of death or within 12 months before death. [RCW 74.13.500](#)
5. The department is not required to disclose information if the factors in paragraph D above are present or if the department specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household. [RCW 74.13.500](#)
6. Except for cases in paragraph (D.4.) above, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in paragraph D is present. [RCW 74.13.500](#)
7. For purposes of paragraphs D, E, and F, above, the following information shall be disclosable:
 1. The name of the abused or neglected child;
 2. The determination made by the department of the referrals, if any, for abuse or neglect;
 3. Identification of child protective or other services provided or actions, if any, taken regarding the child named in the report and his or her family as a result of any such report or reports. These records include but are not limited to administrative reports of fatality, fatality review reports, case files, inspection reports, and reports relating to social work practice issues; and
 4. Any actions taken by the department in response to reports of abuse or neglect of the child. [RCW 74.13.505](#)
8. In determining under paragraphs D, E, and F, above, whether disclosure will be contrary to the best interests of the child, the department must consider the effects which disclosure may have on efforts to reunite and provide services to the family. [RCW 74.13.510](#)
9. For purposes of paragraph D.4. above, the department must make the fullest possible disclosure consistent with chapter 42.17 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department at the time of their death or within 12 months previous to the death.
 1. If the department specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the department may remove personally identifying information.

2. For the purposes of this paragraph, “personally identifying information” means the name, street address, Social Security number, and day of birth of the child who died and of private persons who are relatives of the child in the child welfare records. “Personally identifying information” shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released regardless of whether the remaining facts in the records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case. [RCW 74.13.515](#)
10. Except as it applies directly to the cause of the abuse or neglect of the child and any actions taken by the department in response to the reports of abuse or neglect of the child, nothing in paragraphs D through I of this section is deemed to authorize the release or disclosure of the substance or content of any psychological, psychiatric, therapeutic, clinical, or medical reports, evaluations, or like materials, or information pertaining to the child or the child's family. [RCW 74.13.520](#)
11. The department, when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.17.340, for the purposes of paragraphs D through I of this section. [RCW 74.13.525](#)
12. The department shall:
 1. Allow the Child and Family Services Ombudsman or the ombudsman's designee to communicate privately with any child in the custody of the department for the purposes of carrying out its duties under chapter 43.06A RCW;
 2. Permit the ombudsman or the ombudsman's designee physical access to state institutions serving children and state licensed facilities or residences for the purpose of carrying out its duties under this chapter;
 3. Upon the ombudsman’s request, grant the ombudsman or the ombudsman's designee the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombudsman considers necessary in an investigation; and
 4. Grant the Office of the Family and Children's Ombudsman unrestricted on-line access to the Case and Management Information System (CAMIS) for the purpose of carrying out its duties under chapter 43.06A RCW. [RCW 43.06A.100](#)