

**Cuyahoga County Division of Children and Family Services
(CCDCFS)
Policy Statement**

Policy Chapter: Legal, Juvenile Court & Custody Issues
Policy Number: 7.04.01
Policy Name: Sharing and Dissemination of Confidential Client Information

Original Effective Date: 05/07/2008
Revision Date(s): 07/01/2015, 06/30/2008
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Approved By: Cynthia G. Weiskittel

PURPOSE: To protect the confidentiality of client records, the identity of reporters of abuse and neglect, and the investigatory process from any unauthorized disclosure while enabling the sharing of information needed for the care and protection of children.

SCOPE: This policy applies to all CCDCFS staff needing to share or responding to requests, subpoenas, and court orders for information about client cases.

POLICY

- A. CCDCFS protects the confidentiality of all client information from unauthorized disclosure. Staff neither affirms nor denies the existence of a case and shall not release any information about a client to the public or to specific organizations or individuals except as permitted by law.
- B. CCDCFS shall not disclose, affirm or deny the identity of any referent/reporter of child abuse or neglect, or the identity of any person providing information during the course of an assessment/investigation, to anyone, without the written consent of the parties involved.

However, CCDCFS shall release referent/reporter information, as well as child welfare information, only to the following individuals or entities:

1. Ohio Department of Job and Family Services (“ODJFS”) staff with supervisory responsibility in the administration of Ohio’s child welfare program.
2. Law enforcement officials, or the county prosecutor, who are investigating a report of child abuse or neglect, or a report that a person violated section 2921.14 of the Revised Code by knowingly making or causing another person to make a false report.

3. Any public children services agency (“PCSA”) or children services agency (“CSA”) assessing/investigating a child abuse or neglect report involving a principal of the case.
 4. The court, for the purpose of the issuance of a subpoena to the referent/reporter.
- C. CCDCFS shall not release investigation and assessment reports of child abuse or neglect or information from the reports or other information from the case record except as authorized by statute, regulation and case law.
- D. Accordingly, pursuant to the Ohio Administrative Code Rule (“OAC”) 5101:2-33-21, CCDCFS shall promptly disseminate all information determined to be relevant (except the identity of any referent/reporter unless permitted pursuant to paragraph B, above) to the following entities and/or individuals:
1. To any federal, state or local governmental entity or agent with a need for information in order to carry out its responsibilities under law to protect children from abuse or neglect, including but not limited to:
 - a. Law enforcement officials to investigate a PCSA report of child abuse or neglect, a report of a missing child, or a report that a person has violated 2921.14 of the Ohio Revised Code (“ORC”).
 - b. The county prosecutor, to provide legal advice or initiate legal action on behalf of an alleged child victim, and to prosecute any person who has violated ORC Section 2921.14.
 - c. A guardian ad litem or court appointed special advocate.
 - d. Any PCSA or CSA currently assessing/investigating a child abuse or neglect report involving a principal of the case or providing services to a principal of the case. In an emergency situation, the requirements of OAC 5101:2-33-21(G)(4) shall be followed.
 - e. A coroner, in order to assist in the evaluation of a child’s death due to alleged child abuse and/or neglect.
 - f. Child abuse and neglect multidisciplinary team members, for consultation regarding investigative findings or the development and monitoring of a case plan.
 - g. Public service providers working with a parent, guardian, custodian or caretaker of a child about whom the information is being provided.
 - h. A school administrator or designee when a PCSA intends to place a child in a foster home in a county other than the county in which the child resided at the time the child was removed from his home.
 - i. The licensing and supervising authorities of a public or non-public out-of-home care setting in which child abuse or neglect is alleged to have occurred.
 - j. The approving authority of a kinship care setting or an administrator of a public out-of-home care setting in which child abuse or neglect is alleged to have occurred.
 - k. Child abuse citizen review boards upon request.

- l. A child fatality review board recognized by the Ohio Department of Health, upon request (except when a county prosecutor intends to prosecute or a judge prohibits release).
 - m. A grand jury or court, as ordered.
 - n. A children's advocacy center to comply with the protocols and procedures for receiving referrals and conducting investigations, to coordinate activities, and to provide services for reports alleging sexual abuse or other types of abuse.
 - o. A County Department of Job and Family Services ("CDJFS"), for child care licensure and for joint planning and sharing of information.
2. To any individual or non-public agency with a need for specified information including but not limited to the following entities or individual(s):
 - a. A mandated reporter who makes a report of child abuse or neglect, but only the information permitted to be released pursuant to OAC 5101:2-33-21(K)(1)-(5).
 - b. Principals of the case to inform them of the information set forth by OAC 5101:2-33-21(L)(1)-(3).
 - c. The non-custodial parent of the alleged child victim or child subject of the report, and children being provided services by CCDCFS (this includes youth who have aged out of care) when CCDCFS believes such sharing would be in the best interest of the child(ren).
 - d. A physician, for the diagnostic assessment of a child where there is reason to believe the child may be a victim of abuse or neglect.
 - e. A private service provider, for diagnostic evaluations of and service provision to the alleged child victim or child subject of the report and his or her family.
 - f. The administrator of a non-public out-of-home care setting in which child abuse or neglect is alleged to have occurred.
 - g. A foster, relative and non-relative caregiver, as required by OAC 5101:2-42-90.
 - h. The superintendent of public instruction when the report involves a person who holds a license issued by the state board of education where the agency has determined that child abuse or neglect occurred and that abuse or neglect is related to the person's duties and responsibilities under the license.
 3. Unless disclosure would jeopardize a criminal investigation or proceeding, and with written authorization of the CCDCFS Director, CCDCFS shall disseminate all information it determines to be relevant to an individual or agency when it is believed to be in the best interest of an alleged child victim, child subject of a report, the family, the caretaker, any child residing within, or participating in an activity conducted by, an out-of-home care setting (when necessary to protect children in that setting), or a child who is an alleged perpetrator.
 4. To a researcher in the area of child welfare, for research purposes, when beneficial to CCDCFS with a signed agreement addressing confidentiality,

pursuant to the requirements of OAC 5101:2-33-21(R). Reports must be redacted of identifying information, and shall be reviewed by CCDCFS prior to dissemination.

- E. For requests for the findings or information about a case of abuse or neglect that has resulted in a child fatality, or a near fatality that, as certified by a physician, placed a child in critical condition, DCFS shall prohibit disclosure of the information if DCFS determines that any of the following would occur:
 1. Harm to the child or child's family.
 2. Jeopardize a criminal investigation or proceeding.
 3. Interfere with the protection of those who report abuse and neglect.

NOTE: Only certain information shall be disclosed pursuant to OAC 5101:2-33-21(J) and ORC 5153.172. All records requests regarding child fatalities shall be reviewed by the Cuyahoga County Law Department.

- F. Pursuant to Ohio Revised Code 3107.17, CCDCFS shall not release the records of any child who has been adopted without the authorization of a Court.
- G. Workers shall refer to OAC 5101:2-33-21 for direction on other requests not specifically covered by this policy.

PROCEDURES

- A. CCDCFS informs the client of the potential disclosure of confidential or private information and about the circumstances when CCDCFS may be legally or ethically required to release such information. An exception is that whenever assessing the potential or reported risk of abuse/neglect/dependency of children, CCDCFS may see the child, and/or take them to a doctor or law enforcement without obtaining parental consent. However, CCDCFS shall subsequently inform the parent(s) of the agency's activities with their child and explain that investigation and assessments of risk are mandated by law.
- B. In accordance with best practice and other policies of CCDCFS, CCDCFS shall obtain the informed written consent of a client, or the legal custodian of a minor client, by way of a signed release of information before certain information is released or sought, unless the information is otherwise authorized or required by law to be released. A signed release of information from a client does not allow release of information that is not otherwise authorized to be released to the client. Thus, CCDCFS shall offer a copy of the signed release of information form to the person or family authorizing the disclosure of confidential information and place a copy in the client's case record.
- C. When CCDCFS receives a request for client information, CCDCFS verifies that the identity of the requestor and purpose of the request are valid before releasing any information.

D. When CCDCFS releases information, CCDCFS shall notify the receiver that the information is confidential, is not subject to disclosure pursuant to ORC 149.43 or ORC 1347.08 and may not be re-released without authorization by CCDCFS. CCDCFS shall notify the receiver that unauthorized dissemination of the contents of the information is in violation of ORC 2151.421. CCDCFS shall notify the receiver that anyone who permits or encourages unauthorized dissemination of the contents of the information violates ORC 2151.99 and, as such, is a misdemeanor of the fourth degree.

CCDCFS shall document the occurrence of any release of information in the case record in SACWIS. Documentation shall include a summary of the following:

1. the specific information disseminated,
2. the date the information was disseminated,
3. the agency, organization, or individual to whom CCDCFS disseminated the information,
4. the reason for the dissemination of the information, and,
5. if required, written authorization to disseminate information pursuant to paragraphs (H) and (R) in OAC 5101:2-33-21.

E. CCDCFS shall not re-release confidential information and records provided to CCDCFS, including but not limited to medical records, substance abuse treatment records and BCI criminal background records, except as authorized by law.

F. CCDCFS Records Custodian receives all subpoenas requesting testimony or CCDCFS client records. The Records Custodian shall immediately forward copies to the designated employee and the Prosecutor's Office.

G. Staff shall promptly seek advice from the Cuyahoga County Law Department regarding any questions or concerns about the release of client information.

SEE ALSO:

OAC: 5101:2-33-21, 5101:2-33-28, 5101:2-33-70

ORC: 5153.17, 5153.171, 5153.172, 5153.173, 5101.13, 2151.421