

**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

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Approved By: Thomas D. Pristow

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. The CCDCFS protects the confidentiality of all client information from unauthorized disclosure. Staff neither affirms nor denies the existence of a case and does not release any information about a client to the public or to specific organizations or individuals except as permitted by law.
- B. The CCDCFS will not disclose, affirm or deny the identity of any reporter of child abuse or neglect to anyone without the written consent of the parties involved except :
 - 1. Law enforcement officials or the county prosecutor who are currently 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.
 - 2. The court, for the purpose of the issuance of a subpoena to the referent/reporter.
 - 3. Any other Public Children Services Agency (PCSA) currently investigating a report of child abuse or neglect involving a principal of the case.
 - 4. Ohio Department of Job and Family Services (ODJFS) staff with supervisory responsibility for children's protective services.

- C. The CCDCFS will 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, the CCDCFS shall promptly disseminate all information determined to be relevant (with the exception of the identity of any reporter unless permitted pursuant to paragraph B, above) to the following entity and/or individuals:
1. To any 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 (“R.C.”),
 - b. A 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 R.C. Section 2921.14,
 - c. A guardian ad litem or court appointed special advocate,
 - d. Any PCSA or child services agency assessing/investigating a child abuse or neglect report involving a principal of the case or providing services to a principal of the case,
 - 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. A child’s guardian *ad litem* or court appointed special advocate,
 - h. Public service providers working with the caretaker of a child about whom the information is provided,
 - i. 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,
 - j. 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,
 - k. The approving authority of a kinship care setting or administrators of public out-of-home care settings in which child abuse or neglect is alleged to have occurred,
 - l. Child abuse citizen review boards upon request,
 - m. 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),
 - n. A grand jury or court as ordered,
 - o. A child’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, and
- p. 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, but only as to 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. a 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,
 - d. a physician for diagnostic assessment of abuse or neglect,
 - e. private providers of services to the child or family for diagnostic evaluations of and service provision to the alleged child victim or child subject of the report and his family,
 - f. a foster, relative and non-relative caregiver, as required by OAC 5101:2-42-90,
 - g. the administrator of a non-public out-of-home care setting in which child abuse or neglect is alleged to have occurred, and
 - 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, or a designee, to an individual or agency when it is believed to be in the best interest of a 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 an alleged perpetrator.
 4. To a researcher, for research purposes when beneficial to the CCDCFS with a signed agreement addressing confidentiality. Reports are void of identifying information and may be reviewed by the CCDCFS prior to dissemination.
 5. For public disclosure of information about a case of abuse or neglect that has resulted in a child fatality or a near fatality that placed a child in critical condition as certified by a physician and/or believed to be in the best interest of the child, family or caretaker.

- a. Requests for disclosure to the public regarding child fatality or near fatality as a result of an abuse or neglect finding may be prohibited if the CCDCFs determines that any of the following would occur:
 - i. Harm to the child or child's family.
 - ii. Jeopardize a criminal investigation or proceeding.
 - iii. Interfere with the protection of those who report abuse and neglect.
 - b. Note that only certain information shall be disclosed under this provision.
- E. Pursuant to Ohio Revised Code 3107.17, the CCDCFs shall not release the records of any child who has been adopted without the authorization of a Court.

PROCEDURES

- A. The CCDCFs informs the client, of the potential disclosure of confidential or private information, about the circumstances when the 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, we may see the child, and/or take them to doctors or law enforcement without obtaining parent consent. However, any such contacts should be followed by informing the parent of the agency's activities with their child and an explanation that investigation and assessments of risk are mandated by law.
- B. In accordance with best practice and other policies of the CCDCFs, CCDCFs shall obtain the informed written consent of a client or the legal custodian of a minor client to the release of information before certain information is released or sought, unless the information is otherwise authorized or required by law to be released. A release of information from a client does not allow release of information that is not otherwise authorized to be released to the client. Thus, the 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 a request for client information is received, the CCDCFs verifies that the identity of the requestor and purpose of the request are valid before releasing any information.
- D. When information is released, the CCDCFs shall notify the receiver that the information is confidential, is not subject to disclosure pursuant to R.C. Section 149.43 or R.C. Section 1347.08 and may not be re-released without authorization by CCDCFs. CCDCFs shall also notify the receiver that anyone who permits or encourages unauthorized dissemination of the contents of the information violates R.C. Section 2151.99 and, as such, is a misdemeanor of the fourth degree.

CCDCFS documents the occurrence of any release of information in the case record. 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 the information was disseminated, and
 4. the reason for the dissemination of the information.
- E. Confidential information and records provided to the CCDCFS, including but not limited to, medical, substance abuse treatment records and BCI criminal background records will not be re-released, except as authorized by law.
- F. All subpoenas requesting testimony or the CCDCFS client records are delivered to the Record Custodian, who immediately forward copies to the designated employee and the Prosecutor's Office.
- G. Staff promptly seeks advice from the Department of Law regarding any question or concern about the release of client information.

SEE ALSO:

OAC: [5101:2-33-21](#), [5101:2-33-28](#), [5101:2-33-70](#)

ORC: [5153.171](#), [5153.172](#) , [5153.173](#), [5101.13](#), [2151.421](#)

Policy 7.03.01 Court Hearing Attendance