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CONFIDENTIALITY

***GUIDELINES FOR DCS
FOSTER PARENTS***

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Confidentiality Guidelines for DCS Foster Parents

The following information intends to clarify confidentiality and the safeguarding of records and information by foster parents. Foster parents are responsible for treating all information concerning a child and the parents as confidential, as stated in the Family Foster Parent Licensing Requirements. Violations are subject to investigation by the agency.

These are general guidelines and examples. This information does not address every possible circumstance that might occur. Each situation is different and requires individual assessment. Contact the assigned Child Safety Specialist or supervisor regarding the disclosure of information about specific children.

I. Definitions

Some terms used in this document may not be familiar. A few of them are defined as follows:

Authorized Department Representative - A person designated by the Department of Child Safety. This could include, but is not limited to, the Child Safety Specialist, unit supervisor, assistant program manager or program manager.

“Need to know” - Information necessary to provide a specific function. As it pertains to foster care and the release of information, it is the need of an individual, agency, group or organization to have certain information to provide appropriate care, supervision and/or services to the child in foster care.

Personally identifying information - Any information which can lead to or assist in the identification of a specific child. Personally identifying information includes, but is not limited to, name, age, sex, race, birthdate, birthplace, family composition and background, circumstances that brought the child to foster care, and child’s legal status.

Service Team - Individuals directly involved in the provision of services to a family. The service team includes the Child Safety

Specialist and supervisor, the foster parent, the licensing agency representative, and other persons such as attorneys, physicians, psychologists, therapists, Court Appointed Special Advocates (CASA) and school, law enforcement and probation personnel.

II. What is confidential information?

CONFIDENTIAL INFORMATION: Restricted; trusted information; private matter; kept from public knowledge or from certain persons.

Confidentiality, as it applies to child in foster care and foster parents, means the protection and safeguarding of records and information about the child and his/her family.

III. What information is confidential and who makes that decision?

The parameters of confidentiality are established by Arizona law, Department of Child Safety administrative rules and agency policy.

Department rules require that foster parents treat all information concerning a child in foster care and his/her family as confidential. Foster parents shall protect and not discuss or release confidential information and records without authorization from the assigned Child Safety Specialist or other authorized department representative.

It may be necessary for the Child Safety Specialist to consult with other department representatives or the Attorney General's Office prior to authorizing the release of information.

Any personally identifying information about the child and his/her family is confidential. The appropriate release of personally identifying information is a case-by-case decision, dependent on the particular circumstances.

EXAMPLE: Although personally identifying, it is necessary and appropriate to give a child's name to sign him/her up for Little League.

The Little League team has a "need to know" the child's name in order for the child to participate. However, it is **not** usually appropriate or necessary to give the child's name when discussing a child's behavior in a foster parent support group. The foster parent support group does not need to know the child's name to support the foster parent. The behavior, and suggestions for coping with it, can be discussed without identifying the child.

Reports and records, such as court reports, medical records, psychological and psychiatric reports, the case plan, etc. are confidential. If necessary, these records will usually be released by the Child Safety Specialist instead of the foster parent. Authorization must be received from the assigned Child Safety Specialist or other authorized department representative prior to the release of any reports or records.

IV. What should be considered before releasing any information about the child in foster care?

- Assume that all information about the child is confidential and cannot be shared unless:
- the release of information has been discussed with the Child Safety Specialist or other authorized department representative and permission has been received to release the information, AND
- the release of information will benefit the child, AND
- the person with whom the information will be shared has a need to know, AND
- the situation cannot be addressed or discussed without sharing identifying information.

V. Why is confidentiality important?

- Everyone, including a child in foster care, is entitled to as much privacy as possible about his/her life and background.

- The department, including foster parents, is responsible for protecting children who are in its care, custody and control.
- The safeguarding of records and information is mandated by law.

VI. Who can be given confidential information?

Confidential information is shared as needed between the Child Safety Specialist and foster parents before and throughout the child's placement. As part of the service team, foster parents will become aware of confidential information through other service team members.

The law (ARS § 8-514) requires that certain information be given to foster parents when the child is placed. This includes demographic information (name, date of birth, etc.), the type of custody and previous placements, pertinent family information and medical history.

Foster parents need to be given enough information about the child's situation, condition, background, behaviors and family relationships to adequately care for and supervise the child. This does not necessarily mean that all information about the child and family will be shared with foster parents.

This sharing of confidential information and materials brings about certain responsibilities on the part of foster parents to guard the information with good judgment. Any sharing of information must be constructive, of benefit to the child and in compliance with the law and department policy.

Under certain circumstances, foster parents are authorized to release certain confidential information. For example, confidential information will need to be shared to enroll a child in a school or to provide a physician with a medical history. See VII, A, B, and C for further clarification.

VII. Questions regarding confidentiality and the release of information by foster parents.

The questions and answers that follow are examples and should not remove the need for foster parents to contact their Child Safety Specialist for direction.

A. What information about a child and/or his/her family may foster parents share with the child's attorney, the mother's or father's attorney, the Court Appointed Special Advocate (CASA) and the Foster Care Review Board (FCRB)?

Foster parents may disclose information to the FCRB, the CASA and the child's attorney without prior authorization. Both the CASA and Foster Care Review Board are authorized by statute to obtain confidential information. Information may be released to the child's attorney as he/she is acting on behalf of the child.

No information is to be given to the attorneys for the mother, father and other interested parties without prior authorization from the Department. It may be necessary for the child's Child Safety Specialist to consult with the Attorney General's Office prior to authorizing the release of any information to the individual attorneys.

Foster parents need to inform the child's Child Safety Specialist when they have been contacted by an attorney or have discussed the case with the CASA or FCRB, so that the Child Safety Specialist will be aware of all the case activity.

B. What information may foster parents release to the school to enroll a child in foster care?

The child's immunization record and a certified copy of his/her birth certificate are required to enroll a child in public school in Arizona. A form provided by the Child Safety Specialist that identifies the child as a court ward may substitute for the birth certificate.

Foster parents may release any of these documents to the school for the purpose of enrollment. If the school requests additional documentation, foster parents are to contact the child's Child Safety Specialist for authorization prior to releasing any additional information.

C. *Are there any limitations on the information that foster parents may release to the child's physician?*

There are no limitations. Foster parents may release any pertinent information they have about the child to the child's physician(s) without prior approval.

D. *Everyone in the neighborhood/community is aware of the child in foster care's family background and circumstances. Is it appropriate for the foster parents to discuss information that is common knowledge with their friends and community contacts?*

No. The foster parents' responsibility for maintaining confidentiality is not reduced because others know about or have information regarding the child or his/her family. They must avoid buying into gossip or rumor, by not confirming or responding to gossip or information.

A suggested reply for foster parents is to say, "I'm sorry that I can't respond to or discuss Bobby's situation. I am required by law and by the Department of Child Safety to keep that information confidential. I appreciate your concern and interest."

E. *May foster parents who belong to a support group share personally identifying information about a child in foster care with other parents? How can foster parents obtain support from the group if they can't talk about a specific child?*

The Department recognizes the importance of peer support between foster parents and encourages foster parent participation in foster parent groups and organizations.

Confidentiality about the child and his/her family needs to be maintained in these groups. Foster parent support group participants can discuss types of behaviors and problems without personally identifying the child, even by first name.

The same guidelines apply to foster parent training sessions.

F. *The child in foster care's scout troop will be appearing on a children's TV show. He/she will not be introduced, interviewed or identified by name, but will appear on camera as part of the group. Can the child participate in this activity? Can the foster parents approve his/her participation, or is permission needed from the department?*

Although the child will not be identified by name, it may be necessary to obtain the court's permission for the child to appear on TV. In all cases, permission for the child to appear on TV must be obtained from the Child Safety Specialist or other authorized department representative. Foster parents cannot approve the child's participation without agency consent.

In many cases, it may be appropriate and desirable for the child in foster care to participate in this type of activity. However, in some cases the child could be put at risk if the child's whereabouts are revealed.

If for some reason, permission for the child to participate in the activity cannot be obtained in time, the foster parent is not to allow the child to appear on TV. To avoid this situation, approval for the child's participation should be requested as soon as possible to give the Child Safety Specialist adequate time to consult with the Attorney General's Office and obtain any legal clearances, as needed.

NOTE: Department permission and possibly a court order are necessary for the release of information to all forms of media (e.g., newspaper, radio, etc.).

G. *A child in foster care is in high school. Can the child have his/her picture and school activities published in the yearbook?*

Yes. This is a normal high school activity and does not violate confidentiality guidelines. The child cannot be identified as a child in foster care. If the child does not want to have his/her picture taken or published in the yearbook, he/she cannot be required to do so.

Keeping information about a child confidential is not intended to unnecessarily limit the child's normal activities such as school pictures, field trips, staying overnight with a friend or participating in sports, clubs and organizations. The intent is to protect the privacy of the child and his/her family, and to ensure the safety and well-being of the child. Any limitation of a child's participation in an activity is determined on a case-by-case basis, dependent on the situation, degree of risk (if any) to the child, circumstances of the case, state confidentiality laws and department policy.

H. *Can a foster parent discuss the legal status of a child? What if the plan for the child is adoption and someone known to the foster parent is interested in adopting?*

The child's legal status cannot be shared or discussed without the permission of the Department. Again the emphasis is on the person's need to know the information and on the protection of the child's privacy.

If persons you know express an interest in adopting a child residing in your home or ask if a child is available for adoption, refer them to the DCS adoption program staff in your community. Do not discuss the case status or case plan for a specific child without prior approval, as this is a violation of the confidentiality laws and department rules.

I. *How long do confidentiality requirements apply after a child in foster care leaves care? Do they apply if a foster parent is no longer licensed?*

Information about any child in foster care remains confidential even when the child is no longer with you and/or you are no longer a foster parent.

Information remains confidential even when the child leaves foster care. Information about the child cannot be discussed or released without the permission of an authorized department representative.

There may be times, however, when a foster parent is authorized and asked by the Department to share information about a child with another foster parent, adoptive parent, service team members or others involved with the child. This communication can facilitate the child's adjustment in another placement, provide assistance in case planning and other purposes.

J. *A child in foster care has shared information about his/herself with neighbors, friends and/or acquaintances. Sometimes the foster parents hear about this and are asked about information the child has shared. How should foster parents respond? Do foster parents have any responsibility for information shared by the child? Should they correct misinformation even if it means sharing confidential information?*

If the child in foster care shares information without a foster parent's involvement or urging, confidentiality laws and department policy have not been violated. Most people, including children, share information about themselves with friends and others. The child's age, personality and sense of privacy can all affect how much and in what detail they tell others.

If foster parents think the child is inappropriately sharing information about him/herself or his/her family, they should discuss this with the child and the Child Safety Specialist.

K. What type of action regarding the foster home license can the Department take if the foster parent violates confidentiality and inappropriately releases confidential information?

Any violation is subject to investigation and is judged on a case-by-case basis. A foster home license may be revoked if confidentiality laws and rules are violated.

It is the intent of the Department to work with foster parents constructively to facilitate compliance with confidentiality requirements, with a mutual goal of acting in the best interests of the child.

VIII. Other Tips and Guidelines for Foster Parents

- Consider whether the information is personally identifying and/or confidential before sharing it with others.
- If in doubt about the appropriateness of sharing information regarding the child or his/her family, the foster parents should contact the child's assigned Child Safety Specialist or supervisor. The foster parents should not take too much decision-making responsibility in this area. Often a legal opinion is required, and each case is different.
- If in doubt, do not share the information.
- If the foster parents are aware of information about another foster parent's child in foster care, they need to keep that information to themselves.
- If it is possible to discuss a situation without specific details, foster parents should do so.

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