Confidentiality: Access to Restricted Information

Rhode Island Department of Children, Youth and Families

Policy: 100.0010

Effective Date: Sept. 15, 1986 Revised Date: May 25, 1987 Version: 2

Employees of the Department of Children, Youth, and Families and others who have direct access to confidential information maintained by the Department have a legal and an ethical responsibility to safeguard that information against unauthorized or unnecessary disclosure. Such disclosure is governed by state and federal laws and regulations and by Departmental policy and procedure.

Some client centered information maintained by the Department can be disclosed to various individuals and agencies upon receipt of a properly completed release of confidential information or as otherwise allowed under existing statutes and/or Departmental policy. However, access to certain information, due to its particularly sensitive nature, is restricted by law. Such information can only be disclosed to the court by means of a subpoena or other valid court order or to select others as specified by law. Any disclosure of restricted information must first be approved by Department Legal Counsel.

Related Procedures

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Procedure From Policy 100.0010: Confidentiality: Access to Restricted Information

A. Due to its particularly sensitive nature, access to certain client-centered information maintained by the Department is restricted by law and by Departmental policy:

1. Such information can be disclosed to the courts in response to a subpoena or other valid court order.
2. In certain circumstances select others have access to restricted information as specified in law and in Departmental policy:
   a. Office of the Child Advocate (see Rhode Island General Law (RIGL) 42-73-8, 42-73-9, and 42-73-10).
   b. Individuals or public or private agencies engaged in medical, psychological, or psychiatric diagnosis or treatment or education of the person under the supervision of the Department (see RIGL 42-72-8).

c. Individuals or public or private agencies for the purposes of temporary or permanent placement of the person and the Director determines the disclosure is needed to accomplish this placement (see RIGL 42-72-8 and Policy for Confidentiality: Access to Information Contained in Community Resources Records).

d. For audit or bona fide research with the written authorization of the Director or his/her designee.

3. In all situations disclosure of restricted information must occur only when absolutely necessary and only with the proper Administrative approval and/or approval of DCYF Legal Counsel.

B. Restricted information and the statutes governing disclosure are as follows:

1. Termination of Parental Rights/Adoption Material
   a. Information includes:
      i. Identifying data regarding the child's family of origin such as name of parent(s), name of sibling(s), previous known addresses, etc.)
      ii. Identifying data regarding the adoptive family (such as names, addresses, etc.)
      iii. Placement/social material subsequent to termination of parental rights
      iv. Specific medical, psychological, psychiatric, scholastic, or other information which could lead to the disclosure of any of the above.
   b. Laws governing disclosure include:
      i. RIGL 8-10-21, Records of the Court
      ii. RIGL 14-1-5, Exclusive Jurisdiction of Court
      iii. RIGL 15-7-7, Termination of Parental Rights
      iv. RIGL 23-3-23, Disclosure of Records (Vital Statistics).

2. ~~Reporter/Source Information and/or Information Provided by Confidential Sources (see RIGL 40-11-13, Confidentiality of Reports and Records - Penalty for Disclosure)~~

3. ~~Juvenile Arrest/Conviction/Detention Material~~
    a. ~~Information includes:~~
        i. ~~Copies of police reports and/or petitions charging a child with a criminal offense~~
        ii. ~~Copies and/or summaries of records of the Court involving the disposition of criminal charges against a child~~
        iii. ~~Records of any juvenile detention facility where a child was admitted/remanded due to alleged and/or proven criminal activity (i.e. the Rhode Island Training School for Youth including the Youth Correctional Center and the Detention Center, and the ACE Program)~~
    b. ~~Laws governing disclosure include:~~
        i. ~~RIGL 8-10-21, Records of the Court~~
        ii. ~~RIGL 14-1-5, Exclusive Jurisdiction of the Court~~
4. ~~Mental Health Records~~
    a. ~~Information includes:~~
        i. ~~Psychiatric/psychological records and/or reports, including diagnostic, evaluative, and/or treatment material, regarding a child remanded to a juvenile correctional facility (see Section B above)~~
        ii. ~~Psychiatric/psychological records and/or reports, including diagnostic, evaluative, and/or treatment material of children referred to the Department for the purpose of Children's Mental Health Programs, Mental Health Services for Children and Youth (MHSCY) screening and/or services~~
        iii. ~~Any other diagnostic/evaluative/treatment records and/or reports, in patient or out patient, to which the Department has access or the Department maintains.~~
    b. ~~Laws governing disclosure include:~~
        i. ~~RIGL 40.1-5-26, Confidential Information and Records Disclosures~~
        ii. ~~RIGL 40.1-5-27, Information to Person's Family~~
        iii. ~~RIGL 40.1-5-29, Records of Disclosure.~~

C. ~~Procedure for the release of restricted information includes:~~
1. ~~Contact the DCYF Legal Office upon the receipt of a subpoena or court order which involves restricted information:~~
    a. ~~DCYF Legal Counsel will advise as to what information shall be released and in what form~~
    b. ~~Any release of information shall be documented in a Case Activity Note.~~
2. ~~Where authorized by law or by Departmental policy, restricted information may be released when absolutely necessary upon written request and with proper Administrative approval:~~
    a. ~~Any release of restricted information including the reason for such release shall be clearly documented in a Case Activity Note.~~
    b. ~~Disclosure of restricted information for authorized research, audit, or survey must be approved by the Director or his/her designee.~~

c. ~~If there is any question as to the advisability of disclosing restricted information, such disclosure shall only occur after consultation with DCYF Legal Counsel.~~
d. ~~When individuals or public or private agencies are in need of confidential restricted information for the purposes of temporary or permanent placement and the disclosure of this information is needed to accomplish this placement, the Regional/Assistant Directors of the various divisions are authorized by the Director to release confidential information within the framework of existing policy and procedure.~~