

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 2:</b> Administration of Child Welfare Services	<b>Effective Date:</b> May 1, 2009
	<b>Section 6:</b> Sharing Confidential Information	<b>Version:</b> 3

<b>POLICY</b>
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The Indiana Department of Child Services (DCS) will hold confidential all information gained during reports of Child Abuse and/or Neglect (CA/N), CA/N assessments, and ongoing case management.

DCS will abide by Indiana law and share confidential information with only those persons entitled to receive it.

DCS shall comply with any request to conduct CA/N history checks received from another state's child welfare agency, as long as the records have not been expunged, when:

1. The check is being conducted for the purpose of placing a child in a foster or adoptive home;
2. The check is being conducted in conjunction with a C/AN assessment; and
3. The requesting state agency has care, custody and control of the child and the request is to check Child Protection Services (CPS) history of an individual who has a prior relationship with the child.

DCS will advise individuals who make calls reporting CA/N, parents, guardian, or custodian and perpetrators of their rights regarding access to confidential CA/N information.

DCS will make available for public review and inspection all statewide assessments, reports of findings, and program improvement plans developed as a result of a full or partial Child and Family Services Review (CFSR) after approval of Chief Legal Counsel.

DCS will provide unidentifiable CA/N information of a general nature to persons engaged in research. The DCS Central Office shall provide such information upon written request.

DCS Central Office will submit all public records requests for substantiated fatality or near fatality records to the juvenile court in the county where the child died or the near fatality occurred for redaction and release to the requestor.

All records sent from DCS shall be labeled or stamped "CONFIDENTIAL" at the top of each record. Any envelope containing records shall also be labeled "CONFIDENTIAL".

**[NEW]** DCS will protect the confidentiality of all information gained from non-offending parents in families experiencing domestic violence. Prior to releasing any information (i.e. during court proceedings where disclosure of certain information is mandatory), the non-offending parent will be notified so they may plan for their safety and the safety of the child(ren).

Code References

1. [IC 5-14-3 Confidentiality of and Public Access Records](#)

2. [IC 31-33-22-2 Obtaining child abuse information under false pretenses; knowingly falsifying records or interfering with an assessment](#)
3. [IC 31-33-7-8 Reports to health care providers and schools; contents; confidentiality](#)
4. [31-33-18 Disclosure of Reports; Confidentiality Requirements](#)
5. [31-33-18-2 Release of CPS Records Disclosure of unredacted material to certain persons](#)
6. [31-33-18-3 Disclosure to qualified researchers](#)
7. [IC 31-33-18-4 Notice to parent, guardian, or custodian of availability of reports, information, and juvenile court records; release form; copying costs](#)
8. [465 IAC 2-5-1](#)

<b>PROCEDURE</b>
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**DCS (Intake and Assessment) Records**

All CA/N reports and assessment information, including written reports and photographs are confidential. It is a Class B misdemeanor for a person to knowingly obtain or to falsify CA/N information or records. In addition, it is a Class A misdemeanor for a public employee knowingly and intentionally to disclose information classified as confidential by state statute.

Upon receipt of a written request, the Family Case Manager (FCM) may disclose intake or assessment information to the following after approval from the DCS Local Office Attorney:

1. A legally mandated child protection agency investigating a report or treating a child or family who are subjects of a report;
2. A law enforcement agency, prosecutor or coroner investigating a report;
3. A physician treating a child whom the physician suspects may be abused or neglected;
4. Anyone legally authorized to take protective custody of an abused or neglected child when the information is needed to determine whether to remove the child and make an out-of-home placement;
5. An agency with legal responsibility or authorization to provide care, treatment, or supervision for the subject child, or the child's parent, guardian, or custodian, or other person responsible for the child's welfare;
6. The alleged victim (if requested as an adult) the Guardian ad Litem (GAL) or Court Appointed Special Advocate (CASA), or both, of the alleged victim;
7. The parent, including non-custodial parent, guardian, custodian, or other person responsible for the welfare of a child named in a report and an attorney of any of those persons, provided that the identity of the reporting source and other persons is protected;

**Note:** Each parent, guardian, or custodian must be given verbal and written notice of the availability of the investigative report and must be provided with a copy upon written request. See separate policy, [4.10 Interviewing the Parent/Guardian/Custodian](#).

8. A court that requires the information to decide an issue before it;
9. A grand jury;
10. Any state or local official responsible for CPS or legislation who has a need for the information to carry out that person's official functions; a consent form must be signed by the subject of the report prior to release of information to a legislator who has been approached to intercede on their behalf;
11. The Child Protection Team (CPT), upon request, in order to carry out its purpose;

12. A person, about whom a report has been made, provided that the identity of the reporting source and other appropriate persons is protected.
13. An employee of DCS, a FCM, or a Juvenile Probation Officer conducting a criminal history check to assess the appropriateness of a family for placement and to make a placement recommendation to the court for a child in out-of-home care;
14. A local child fatality review team established under [IC 31-33-24-6](#);
15. The statewide child fatality review committee established;
16. The Division of Family Resources (DFR), in relation to a license applicant, licensee, employee or volunteer of a child care center, child care home, or child care ministry;
17. An employee of DCS, in relation to a license applicant, licensee, employee or volunteer of a child caring institution, group home, a child placing agency, or foster home in relation to a household member of a foster home;
18. Any authorized employee of DCS for an appropriate purpose, as determined by the Director or Deputy Director of Field Operations; and
19. A citizen's review panel, established under [IC 31-25-2-20.4](#).

### **Providing Information to Another CPS Agency**

Within one (1) business day of receiving the request the FCM will:

1. Determine whether the requesting agency is a legally mandated public or private CPS agency;

**Note:** The requesting agency must send a written request for information on agency letterhead with complete job and unit titles of the requesting person (e.g., Jane Doe, Family Case Manager, CPS Unit, Marion County DCS Local Office).

2. Determine the basis for the agency's request (i.e., whether the requesting agency is assessing a report of child abuse or neglect or assessing a family for the purpose of placement of a child for whom the agency has care or placement responsibility;
  - a. The written request shall contain a listing of the specific information needed and any information that would assist the FCM in identifying the appropriate CPS case file. For example, if a child's name is Charles Smith, a date of birth or social security number may be requested to ensure the release of accurate information,

**Note:** If the CPS agency requests the immediate release of records based on an emergency, the FCM shall acquire the approval of the Unit Supervisor or DCS Local Office Attorney prior to the release of records.

- b. The FCM will orally collect the information needed to make the determinations outlined above from the requesting CPS agency and document this information within the case file,
  - c. The FCM will Request a follow-up written request for the records which complies with the procedures outlined above,
  - d. The DCS Local Office Attorney will determine if the records are accessible to the CPS agency based upon the information provided and shall orally advise the FCM of the appropriate response to the requesting CPS agency.
3. Redact the name of the report source and information concerning any children or adults that are not the subject of the request prior to sending to the requesting agency.

### **Providing Information to Parent, Guardian, or Custodian or Perpetrator**

Upon written request from the parent, guardian, or custodian, subject child (if an adult at the time of request), appointed CASA/GAL, representative, or perpetrator, the FCM will provide the requested information regarding the assessment, after deleting the identities of the person making the report and other appropriate individuals. The FCM will carefully review to determine what information should be redacted to protect the safety of a non-offending parent and children of families with identified domestic violence. See separate policy [2.1 Request for Administrative Review](#), Practice Guidance and Related Information.

**Note:** "Other appropriate individuals" refers to individuals, other than law enforcement officers, mentioned in the report if disclosure, in the judgment of the FCM, could endanger the person's life or safety. Protection also must be given for the identity of any other person or agency providing information, if that other person or agency advises that disclosure of the person's identity would be likely to endanger that person's life or safety.

**Note:** No prerequisites for obtaining information beyond a written request may be imposed upon the parent/guardian/custodian other than reasonable copying costs.

### **Release of Information for Research Purposes**

All requests to release CA/N information for research purposes must be approved by the Central Office Deputy Director of Field Operations or his/her designee and the Chief Legal Counsel.

1. All requests for CA/N information must be submitted on the [Application for Child Abuse Research \(SF116/CW 0321\)](#);
2. The Deputy Director or his/her designee will evaluate the request. If approved, the request will be forwarded to the appropriate staff member for the release of the requested information;
3. Information released may include:
  - a. Statistical data,
  - b. Social data used for studies, reports, surveys, or
  - c. Information concerning the functions and activities of the DCS or CPT.

**Note:** No name-specific or other identifying information may be included in the data. No information, general or case-specific, can be released that tends to identify involved parties. Further, no case information can be released if it is the subject of pending litigation.

### **Release of Child Fatality and Near Fatality Records**

All fatality and near fatality records for which DCS has substantiated CA/N are subject to release.

Upon receipt of a public records request (phone, written, e-mail, fax or by walk-in), the DCS local office will within one (1) business day of receiving the request, e-mail the Central Office Fatality Consultant the following information:

1. Name, address and phone number of the requestor;
2. Relationship, if any, of the requestor to the identified child; and
3. Organizational affiliation of the requestor (e.g. Indianapolis Star, Indianapolis Channel 6 News).

The DCS Central Office Fatality Consultant will:

1. Send a notice to the requestor regarding DCS' ability to process the request; and

2. If the record(s) requested are a substantiated fatality or near fatality locate the records and submit the file to the juvenile court judge in the county where the child died or the near fatality occurred.

**Note:** Only the juvenile court judge has the authority to release fatality or near fatality records.

### **Case Records for Children in Foster Care or Residential Placement**

DCS will keep all records regarding children and information gathered about the child, the parent, guardian, or custodian, or their relatives confidential [IC 31-27-4-21](#). Information about children involved in ongoing services cases may be released to the following:

1. A state agency involved in the licensing of the substitute care home or facility where the child is placed;
2. A legally mandated child protection agency. Refer to procedure outlined above in CPS Intake and Assessment Records; Providing information to another state agency;
3. A Law Enforcement Agency (LEA).
4. An agency having legal responsibility to care for a child placed in a substitute care home or facility;
5. The parent, guardian, or custodian of the child in a substitute care home or facility; and
6. Citizens Review Panel.

### **Licensing Records**

Information contained in licensing files is considered public information with the **exception** of the following:

1. CA/N information;
2. Information concerning children in substitute care, day care children or the parent, guardian, or custodian of these children;
3. Medical or psychological information;
4. Federal Bureau of Investigation (FBI) transcript reports;
5. Financial information; and
6. Inter-agency and intra-agency decision making communications.

### **Adoption Records**

Adoption records are confidential and may not be released. Some information may be accessible under the Indiana Adoption History Program or the Indiana Medical History Program (See separate policies in [Chapter 10 Adoption](#)).

<b>PRACTICE GUIDANCE</b>
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N/A

<b>FORMS AND TOOLS</b>
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[Application for Child Abuse Research \(SF116/CW 0321\)](#)

## RELATED INFORMATION

### **Copying Cost**

No fee may be charged for inspection of public records. However, a copying fee may be charged which is not to exceed the average cost of copying or 10 cents per page, whichever is greater.