

Confidentiality - General

(Revised 11/20/2020)

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Forms

The following forms are referenced in this file:

- 04-20 Statement of Confidentiality - Recording
 - 04-29 Authorization to Use or Disclose Protected Health Information – Single Provider
 - 04-124 Declaration Required for Access to CWS Case Information
 - 04-125a Request for CWS Records - District Attorney and City Attorney
 - 04-125d Request for CWS Records - Public Defender and Alternate Public Defender
 - 04-125fc Request for CWS Records - Family Court
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Forms (cont.)

- 04-192 Letter To Family Court (*CWS/CMS Template*)
- 04-192A Letter To Family Court (for VS Cases) (*CWS/CMS Template*)
- 04-303 827 Disclosure Cover Letter
- 04-312 Letter to Record Requestor
- [I - 918](#) Petition for U Nonimmigrant Status

Overview

All CWS referral/case information is confidential and may not be:

- Disclosed, except as authorized by law.
- Used by staff for any purpose other than carrying out activities:
 - directly related to a referral/case and
 - that are authorized or required by CWS policies and procedures

The CWS Confidentiality Guide is the primary resource for guidance on what entities may or may not have CWS information.

Laws governing the confidentiality of Child Welfare records are as follows:

- [Welfare and Institutions Code \(WIC\) 10850 and WIC 827](#)
- [California Rules of Court](#) under Title 5, Division 3, Ch. 3, Rule 5.552 (and 5.553 if the child is deceased)
- [San Diego Local Rules of Court](#), Division 6, Ch. 6

CWS records are not subject to civil or criminal subpoena per California Rules of Court 5.552 (b) and San Diego Local Rules of Court 6.6.1(D).

The rules and laws for discovery when there is an active dependency proceeding differ in some areas from routine records requests, refer to Discovery: Active Dependency Cases.

Staff should direct any questions they have regarding policies and procedures governing confidentiality to their PSS, their CWS Manager, County Counsel (CC) or to the CWS Policy Analyst listed at the end of this file.

Parents and CWS File

Per WIC 827, a parent has a right to their child's CWS case file without the need for any court orders.

Referrals: Information may **not** be given to a parent when a referral is open and being investigated. The parent must wait until the disposition is complete and the referral is closed.

Cases (including Voluntary Services): For cases, a parent may request and be given information at any time.

During the course of an open/ongoing dependency case, the SW should refer the parent to their appointed attorney to get copies of records. For open dependency cases where the parent is representing themselves in court (Pro Per), the SW should consult with CC prior to providing the parent records.

**Parents and CWS
File (cont.)**

Parents may also go to the Juvenile Court Business Office (2851 Meadowlark Drive, San Diego, CA 92123) with identification to review the court's file.

Parents seeking record copies on closed cases/referrals will be directed to Legal Support Services, (858) 616-5950.

When a parent requests the CWS history (referrals and cases) regarding their child, the parent is permitted to have the names of the perpetrators (alleged or confirmed).* This may include the child's current or former foster parents. Confidentiality is about the child. A parent has a right to information about their child. Conversely, a biological parent would **not** be privy to any CWS history regarding the foster parent and other children (e.g. the foster parent's biological children or other foster children). As confidentiality is specific to the child, a parent is only permitted to have information about their own child.

***NOTE:** The exception is perpetrators who are minors. Parents are not allowed to have the name of any perpetrator who is/was a minor at the time of the incident.

See 827 - Petition for Disclosure of Juvenile Case File for more information.

**Expressing Safety
Concerns about One
Parent to the Other
Parent**

In the course of investigating a referral (or during a case), CWS may need to discuss concerns about one parent with the other parent in order to maintain a child's safety. While each parent has a right to privacy, they are allowed to know information that impacts their child and provide input regarding how the child can remain safe.

CWS SWs are permitted to share information about a child abuse or neglect incident that the SW investigated. The SW should inform the parent of the safety concerns and risk found during the investigation and what the SW is "worried about" (past harm/future danger) in regards to the child/family. The SW should discuss with the parent "what needs to happen next"(future safety) in order for the safety concerns to be mitigated and risk to be diminished.

CWS may refer one parent to the other to get more information. CWS may also consider scheduling a CFT or a Safety Mapping in order to clearly share the safety concerns with both parents present.

See the below chart for information sharing with one parent about another parent.

Type of Information	Disclosure
Drug Test Results	Verbal Information Only
Confirmed Metal Health Diagnosis	None
CWS History (parent as a minor)	None

Guidelines for Staff

The laws governing disclosure of information contained in public social service agency cases are becoming increasingly liberal in permitting access to information that was formerly confidential. It is therefore important that CWS staff:

- Never promise anyone that information they provide will be safeguarded from disclosure. CWS will attempt to protect confidential information, but may be ordered by the court to provide it.
- Always document the required facts, activities, observations and recommendations related to the referral/case in an accurate, professional and objective manner.

The following table outlines types of information and CWS policy on its confidentiality:

Type of Information	Policy
Communication with County Counsel (CC)	<p>Communication with CC may be documented in CWS/CMS but will not be released to anyone requesting a copy of the CWS case file(s) as it is privileged information.</p> <p>Any CWS/CMS contact entered must be prefaced with the following statement in all capital letters: ATTORNEY-CLIENT PRIVILEGE - NOT TO BE RELEASED</p> <p>Example contact entry: "ATTORNEY-CLIENT PRIVILEGE - NOT TO BE RELEASED I spoke to CC Smith who advised..."</p> <p>See section below, Privileged Information - General, for additional information.</p>
Relative Family Approval (RFA) Information	<p>Relative Family Approval (RFA) information is discoverable. See Discovery: Active Dependency Cases for information about how RFA Discovery is handled.</p> <p>A client's criminal record (the actual Department of Justice document/print out) must not be in the RFA packet as it is protected by law against re-disclosure.). All Criminal History Information must be properly shredded and must not be filed in the CWS case file.</p>

**Guidelines for Staff
(cont.)**

Type of Information	Policy
<p>Office of the Ombudsman (OOO) Information/Internal Security Information</p>	<p>OOO information and any information from Internal Security is confidential and are not a part of the child's case file. Therefore, communication with OOO and/or Internal Security are not to be entered into CWS/CMS (the electronic record) and are not to be filed in child's paper case file.</p> <p>If the Ombudsman contacts the SW as part of a review or complaint investigation, OOO will document the contact in their files. The case carrying SW will not document this consultation in CWS/CMS.</p> <p>CIRs are filed with the OOO and are not to be filed in the child's case file.</p>
<p>Social Security Numbers</p>	<p>For information on sharing Social Security numbers see: Social Security Numbers (SSN)</p> <p>All SSNs will be redacted when CWS case file copies are requested.</p>
<p>Child Protection Team (CPT)</p>	<p>As a protected multi-disciplinary team meeting, SW will document only "attended CPT" in a CWS/CMS contact. No further information is permitted to be documented.</p>
<p>Endangering Information</p>	<p>Information will be withheld from disclosure when there is reason to believe that disclosure of the information would endanger:</p> <ul style="list-style-type: none"> • the child, • other family members, • witnesses, or • any other persons involved with the case. <p>SW will consider redaction of endangering information and consult with CC if unclear.</p>

**Verifications
Procedures**

Once staff has determined that an entity may have CWS information (by referring to the Confidentiality Guide), the staff will follow these procedures:

Step	Action
1	<p>Instruct the requestor to write a letter on their business letterhead including:</p> <ul style="list-style-type: none">• WHO - who the requestor is (name, title, role in the case/relation to family)• WHAT - what information they want• WHY - the purpose of the need for information <p>NOTE: The confidentiality laws are worded in such a way that verifying the purpose of the request is crucial to whether or not that entity may have information. The written request also helps to verify the identity of the requestor.</p>
2	File the request letter in the case file.

Entities requesting CWS history can be told "no record" if no prior CWS history is located. County Counsel has approved stating "no record" as it would assist the requestor in not filing a 827 - Petition for Disclosure of Juvenile Case File when no information is available.

Records Requests Received

If after reviewing the Confidentiality Guide, it is determined the person is authorized to access the information, the staff person follows the steps below. Parents seeking copies of records on closed cases/referrals will be directed to the Legal Support Services Unit at (858) 616-5950.

Who	What
Hotline SW	Refer callers requesting records information to Legal Support Services at (858) 616-5950.
Public Information Clerk	Refer callers requesting records information to Legal Support Services at (858) 616-5950.
Last Assigned SW or PSS	<ol style="list-style-type: none"> 1. Review records request. NOTE: If a referral is still open, the requestor must wait until the referral is closed before they are permitted to have copies of the CWS case file. Exception: Law enforcement is allowed to have information while a referral is open. Law enforcement must be advised that the investigation is still pending and not complete. 2. If requestor is an out-of-state CWS agency or the California State Dept of Corrections, complete form 04-124 and have the requestor sign prior to disclosure. The 04-124 may be faxed or sent via an encrypted e-mail. 3. Provide the requested records ensuring that privileged information is properly redacted. See section in the policy: Privileged Information - General.

**Records Requests
Received (cont.)**

Who	What
Last Assigned SW or PSS	<ol style="list-style-type: none">4. Give copies with the following forms attached:<ul style="list-style-type: none">• 04-302• 04-3035. Fill out 04-124A and file in the case file listing what you have given.6. Fill out bottom portion of the 04-34 and file in case file.7. Return case file to records at mail stop W94.

If, after reviewing the Confidentiality Guide, it is determined the requesting party is not authorized to access the information, refer the requestor to the Juvenile Court business office at (858) 634-1600. The party will need to file an 827 petition for disclosure of Juvenile Court Records. The Juvenile Court business office will mail out all necessary documents to the requesting party. SW may also provide the requestor with the 827 Petition Instruction Packet. This procedure must be followed for all requests for CWS records regardless of court involvement.

**Privileged
Information -
General**

Including the examples above (Under "[Guidelines for Staff](#)"), in general, the following is considered privileged information and will not be disclosed unless specifically released via an 827 court order. When releasing records the following must be deleted:

- **RP (reporting party) on child abuse referrals** - this is generally found on the last page of the document titled "Emergency Response Referral Information." The RP may also be mentioned in the body of reports or in the case narratives and must be redacted.

NOTE: The Confidentiality Guide outlines the few entities that are permitted to have RP information when specifically requested.

- **Attorney-Client privileged information** - the contacts/narratives/"Delivered Services Log" may have notations regarding the SW's phone calls/consultations with County Counsel (CC). These must be redacted. This includes MDT and CPT consult meeting notes (these consult notes must be redacted).

NOTE: Contacts between the SW and other attorneys (the DA, minor's attorney, family court attorneys, etc.) may be kept in the contacts as the privilege applies only to the SW and CC. If a case goes to an 827 Hearing and the child's attorney, for example, is present at the hearing they may invoke the child's privilege at that time. CWS privilege is only with CC.

**Privileged
Information -
General (cont.)**

- **Therapist-Client privilege/any mental health information** - all of the following will **not** be released: psychological evaluation reports, therapy progress notes, contact notes regarding phone calls to therapist where the client's mental health is discussed, any document listing mental health diagnosis.

NOTE: SW conversations with Children's Hospital, Chadwick Center (or other evidentiary exam centers) may be left in the record as these are evidentiary not treatment based (unless a client is also receiving treatment at Chadwick). The actual Evidentiary Chadwick report may be released to authorized parties and does not fall under a redacted privilege.

If a client calls the SW and discusses their mental health/ psychological information with the SW, this information may be kept in the record as they are waiving the privilege by discussing it with the SW. Only information from a mental health clinician will be redacted.

If the disclosure request is from the client themselves, by law they may have their own psychological information, contained in the CWS records. This information is confidential and can't be released to anyone other than the subject without a court order.

- **HIV information** - any HIV information must be in a manila envelope labeled "Confidential" in the CWS case file. HIV information must be redacted.. See AIDS/HIV - Confidentiality and Documentation for more information on when and to whom information may be shared.

NOTE: Caregivers must know HIV status of a child in their care. HIV information is shared through parental consent or a court order.

- **Information on another child** - some files may have companion referral information . That other child's information may be in the primary child's file, but must be redacted. Siblings would have to have their own 827 - Petition for Disclosure of Juvenile Case File granted for their information to be released. The requesting party will only be given the information on the minor(s) listed on the 827.
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Examples:

Circumstance	Redact or Leave In
<p>An 827 is granted for the primary child and each of the siblings NOTE: 827s are filed and granted by individual children.</p>	<p>It is ok to leave sibling information in the record.</p>
<p>The DA may ask to review the file of one victim child and siblings were also victims to the crime the DA is prosecuting.</p>	<p>It is ok to leave sibling information in the record. The DA has a lawful right to this information.</p>
<p>A public defender may ask to review a file for a now adult who committed a crime and was a dependent child (or has general CWS history).</p>	<p>The public defender is only privy to what their client (the former dependent who is now an adult) is privy to, which is their own information, not their siblings. Sibling information would be redacted.</p>

- **Confidential Addresses** - redact an intimate partner violence victim’s address and phone number (with or without a protective order in place). Redact any SCP name and address. Additional information:
 - SCP includes foster parent, resource parent, relative and NREFM. Redaction also includes informal placements in ER referrals and VS cases (e.g. child has always resided with grandmother). Foster parent addresses must be redacted unless the Court has ordered the home to no longer be confidential.
 - If there is a protective order in place for an intimate partner violence incident, the following should be redacted (per Family Code 6225): address of the petitioner or the petitioner's place of residence, school, employment, the place where the petitioner's child is provided child care services, or the child's school. Local policy is to redact an intimate partner violence victim's address with or without a protective order in place.
 - If it is known that a parent is an intimate partner violence victim and that victim is living separately from the batterer-parent, the address of the victim-parent will remain confidential and not be listed on the WIC 300 petition (per WIC 332(e)). If you find a known intimate partner violence victim-parent address in the case file, redact it prior to a file review.

For additional details on what to redact, see Redaction Guidelines.

**Chadwick
Evidentiary DVD**

External entities may have an 827 - Petition for Disclosure of Juvenile Case File granted allowing them to have copies of CWS records. CWS will release only the paper Chadwick evidentiary report. If the requestor wants the evidentiary in video/DVD format, they must obtain it directly from [Chadwick](#). CWS will not release any evidentiary videos/DVD that may be in CWS possession. The custodians for Medical Records at [Rady's](#) can be reached at (858) 966-5904 for further information.

**Non-Discovery of
Ombudsman's or
Personnel File(s)**

In the course of a dependency proceeding, if an attorney requests information from the CWS Office of the Ombudsman's file or a SW's HR Personnel File, this request will **not** be honored. There are several laws protecting the disclosure of these highly personal and sensitive records.

Any evidence presented in Dependency Court should pertain to the child's CWS case record. Ombudsman or personnel information is not relevant to the child's case.

**Security of Client
Data, Portable
Devices, and Media**

HHSA's [Security Policy](#) on Portable [Devices](#) and Media, and [Portable Devices and Media Procedure](#), can be found on the Agency Compliance Office home page. All CWS staff are required to sign the Safety of Protected Information & Portable Devices Form. The HHSA policy notes the fact that staff are independently responsible to ensure that the data they take with them (whether electronic or paper format) is safeguarded from loss, theft or misuse. "Reasonable precautions" must be exercised and when taking client data into a client's home or other external location, the client data must "remain in the employee's direct physical possession, or within the employee's direct line of sight." Case files or laptops or other devices storing client data cannot be left locked in a vehicle "where a passerby can easily see them" and under no circumstances will be left in a vehicle overnight. If taking data home, it must be brought inside the residence and secured. When traveling, a hotel safe must be used when practical. The HHSA privacy policy states that "violations or suspected violations of this policy will be referred to Agency Human Resources for appropriate personnel action or investigation."

The [County of San Diego Compliance Office](#) mandates and oversees a variety of security issues. More information can be found on their website at the link provided.

Prior to staff removing paper or electronic data from the agency office, the Safety of Protected Information and Portable Devices Form must be completed. The authorization would cover staff who remove or transport data from Agency sites via:

- Paper case files
- Laptop / Tablet PCs
- Smart Phones
- Cameras (digital, non-digital and video)
- Portable media – floppy disks, CDs, DVDs, USB memory sticks, flash drives, smart cards

REMINDER: Per County Information Security Guidelines County data may only be stored on a County-issued medium for transport, not a personal flash drive or disk.

NOTE: Information received from outside sources (i.e. law enforcement, hospital social worker, etc...) on flash drive or disk should be imported into CWS/CMS and the drive/disk stored in an envelope in the hard file.

Personal Identifying Information

Personal Identifying Information (PII) is defined as anything that could identify a particular individual which includes name, address, telephone number and social security number. Demographics, health, education and placement information as well as client history may be considered client data if the identity of whom this information belongs to is included and therefore could be accidentally disclosed through loss or theft causing a privacy breach. The concern is not the content of the documents but whether or not you can identify a specific individual as a result of the information in the document.

There may be concern over Personal Identifying Information (PII) that may be accidentally disclosed (e.g. if a SW loses a file in the field). SWs must ensure the confidentiality of all information they carry.

De-identified information

Health providers must comply with the privacy regulations stated under the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. HIPAA's privacy regulations have many requirements that protect the confidentiality of health information and provide individuals with significant rights with respect to their health information. Covered entities may use or disclose health information that is de-identified without restriction under the Privacy Rule. Covered entities seeking to release this health information must determine that the information has been de-identified using either statistical verification of de-identification or by removing certain pieces of information from each record as specified in the Rule.

While it has been determined that most of CWS is not a covered entity under HIPAA, CWS forms requesting the release of PHI (Protected Health Information) must be HIPAA-compliant in order for covered entities to release PHI to CWS staff. In addition, consent for treatment and release of PHI forms may not be combined under HIPAA. Staff may review HHSA's HIPAA policy for additional information.

The Privacy Rule allows a covered entity to de-identify data by removing all 18 elements that could be used to identify the individual or the individual's relatives, employers, or household members; these elements are enumerated in the Privacy Rule. The covered entity also must have no actual knowledge that the remaining information could be used alone or in combination with other information to identify the individual who is the subject of the information. Under this method, the identifiers that must be removed are the following:

1. Names
 2. All geographic subdivisions smaller than a state, including street address, city, county, precinct, ZIP Code, and their equivalent geographical codes, except for the initial three digits of a ZIP Code if, according to the current publicly available data from the Bureau of the Census:
 - a. The geographic unit formed by combining all ZIP Codes with the same three initial digits contains more than 20,000 people.
 - b. The initial three digits of a ZIP Code for all such geographic units containing 20,000 or fewer people are changed to 000.
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**Personal
Identifying
Information (cont.)**

3. All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older.
 4. Telephone numbers
 5. Facsimile numbers
 6. Electronic mail addresses
 7. Social security numbers
 8. Medical record numbers
 9. Health plan beneficiary numbers
 10. Account numbers
 11. Certificate/license numbers
 12. Vehicle identifiers and serial numbers, including license plate numbers
 13. Device identifiers and serial numbers
 14. Web universal resource locators (URLs)
 15. Internet protocol (IP) address numbers
 16. Biometric identifiers, including fingerprints and voiceprints
 17. Full-face photographic images and any comparable images
 18. Any other unique identifying number, characteristic, or code, unless otherwise permitted by the Privacy Rule for re-identification.
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**Faxing Confidential
Information**

It is very important for staff to maintain the chain of confidentiality when faxing confidential information. Staff will ensure only the designated person who is to receive the information actually receives it. To do this:

- Contact the individual who will be receiving the faxed information.
- Inform the receiver the time the material will be faxed and request the receiver wait at the fax machine until the confidential material is received.
- Use a fax cover sheet that states this is confidential information. The statement on the fax should read:

This fax message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential information protected by State and Federal Law, including but not limited to Welfare and Institutions Code section 10850 for Public Social Service records and 827 for Juvenile Court documents. If you are not the intended recipient, you may not review, copy, disclose or distribute this information to anyone. If you are not the intended recipient, please contact the sender and destroy all copies of this e-mail and any attachments. Unintended transmission will not constitute waiver of any applicable legal protection afforded to this e-mail and any attached documents.

If the individual to receive the fax is unavailable to obtain the information personally, do not fax the material.

Recording Interviews

Occasionally a client will ask to record (audio or video) an interview with a SW. This is the client's right. SWs should exercise good social work skills in this situation to address the client's request. W's cannot refuse this request to record.

When a recording proceeds:

- The recording can only be with the SW and the client, no other parties present (other CWS staff such as a supervisor are permitted but the client may not invite other non-clients to join the recording as the information is confidential).
- Everyone included in the recording must know that they are being recorded.
- The SW must advise the client that all CWS information is confidential and protected by law.
 - The client may not share/distribute/publish/etc. this confidential information
 - SW will review form 04-20 with the client. SW will sign two forms (one for the case file and one for the parent). The parent should initial the bottom of the form indicating that they have been given a copy of the form. If the parent refuses to initial, the SW will handwrite on the form that the parent declines to initial the form. The recording will still proceed.
- The SW must document in the CWS/CMS contact that the interview was recorded and note how this came about.

The SW may also make a recording at the same time. If the SW makes a recording, once back at the office, the SW will call the CWS/CMS Helpdesk for instructions on how to download the audio or video recording and/or burn a CD. IF a CD is made the CD must be filed in the CWS case file.

Emailing Information

Email is not considered to be a secure method of transmitting information. CWS information is confidential and will not be emailed outside of the County network (e.g. to a client's email address).

Any email address on the County Outlook global address list is considered secure and is permissible to email case information back and forth.

See Email Policy for further information.

Discarding Confidential Information

All confidential information to be discarded must be shredded. Confidential material consists of, but is not limited to:

- Copies of court reports, medical, or psychiatric reports.
 - Correspondence, computer documents.
 - Any other material, which includes client identification information/[Personal Identifying Information \(PII\)](#), e.g. name, address, telephone number, SSN, etc.
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Medical/Health Information

Various laws allow CWS to receive medical/dental/mental health information of children in CWS custody, without a court order or parental authorization, for the purpose of coordinating health care services and medical treatment.

The current Health Special Matter Order allows for information sharing for any child in CWS custody.

The Confidentiality of Medical Information Act, Civil Code section 56.10 and 56.103 and WIC 5328 allows a provider of health care to disclose medical information to a county social worker, a probation officer, a foster care public health nurse acting pursuant to Section 16501.3 of the Welfare and Institutions Code, or any other person who is legally authorized to have custody or care of a minor for the purpose of coordinating health care services and medical treatment provided to the minor.

"Medical information", as defined by Civil Code 56.05(j) means any individually identifiable information, in electronic or physical form, in possession of or derived from a provider of health care, health care service plan, pharmaceutical company, or contractor regarding a patient's medical history, mental or physical condition, or treatment.

"Individually identifiable" means that the medical information includes or contains any element of personal identifying information sufficient to allow identification of the individual, such as the patient's name, address, electronic mail address, telephone number, or social security number, or other information that, alone or in combination with other publicly available information, reveals the individual's identity."

HIPAA defines protected health information as essentially all information that a healthcare provider would have. Information "created or received by a health care provider" that "relates to past, present or future physical or mental health or condition of an individual." The reference to mental health information includes information from therapists/psychologists and any "individually identifiable information".

Additional information on [Personal Identifying Information \(PII\)](#) above.

Per Civil Code 56.103 (g) this release of information provision covers minors who:

- have been taken into temporary custody
- a petition has been filed with the court
- have been adjudged to be a dependent child (WIC 300) or ward of the juvenile court (WIC 601)

Civil Code 56.103 (e) (1) also provides for the sharing of mental health information if a provider of health care determines that the disclosure of medical information concerning the diagnosis and treatment of a mental health condition of a minor is reasonably necessary for the purpose of assisting in coordinating the treatment and care of the minor. The information may then be disclosed to a county social worker, probation officer, foster care public health nurse, or any other person who is legally authorized to have custody or care of the minor.

Any information disclosed under these laws may not be admitted into evidence in any criminal or delinquency proceeding against the minor (Civil Code 56.103 (d)).

Medical/Health Information (cont.)

The laws referenced above cover information that health providers may share with CWS (information in). The Confidentiality Guide covers what information CWS can share with others (information out).

Therapist-Client Information

The psychotherapist privilege applies to the relationship between a client and his or her therapist.

In regards to therapist-client privilege for dependent children the following apply:

- If the court makes a finding that the child is of sufficient age and maturity to consent, the child can object to any information being shared.
- If the court makes a finding that the child is **not** of sufficient age and maturity to consent, then the child's attorney holds the privilege and the child's attorney may invoke the privilege to halt sharing of therapy related information.

The purpose of the privilege is to protect the privacy of a patient's confidential communications with his/her psychotherapist.

Therapists have a duty to disclose to a child's attorney and SW all information that is necessary to allow them to advocate for the child's best interest and make the most appropriate recommendations for the child.

Youth Gender Identity and Sexual Orientation

Youth have the right to maintain the privacy of their sexual orientation and/or gender identity. This information will not be disclosed unless:

- The youth permits the information to be shared
- Disclosure of the information is required to protect the youth's health and safety
- Disclosure is required by law or court order

AIDS/HIV Information

AIDS/HIV information is privileged and will be kept in a separate envelope in the hard file and will not be disclosed. There is to be no mention of AIDS/HIV information in CWS/CMS.

See AIDS/HIV - Confidentiality and Documentation for more information.

Adopted Children and Adoption Files

Referrals on adopted children must not include the names of the birth parents or the birth name of the child.

Adoption files, per California Code of Regulations (Title 22, Division 6, Ch 9, Article 2) Section 89182 (c), may be accessed only by adoption agencies and licensing agencies. The licensing agencies may inspect, audit and copy the adoptions files per section 89182 (d).

Adoption files are **not** subject to 827 - Petition for Disclosure of Juvenile Case File.

Identity of Reporting Party/ Child Abuse Reports

See Child Abuse Reporting Law, for a list of persons with whom the identity of the reporting party on the child abuse report may be shared.

Media Inquiries

Unauthorized staff will **not** talk to the media. Any requests made directly to staff must be elevated via their PSS or CWS Manager to the CWS Public Outreach Specialist and the Executive Assistant.

Per CWS policy and the Juvenile Court, which governs all decisions related to exposure to the media of children and families served by CWS, "Children will not be subject to media exposure unless such exposure is in the best interest of the child."

See Media Communications for more information.

Child Fatalities

Information on procedures regarding child fatalities is contained in the Child Fatality Protocol.

Automobile Accidents

Any CWS staff involved in a work related automobile accident while transporting a child may disclose to **law enforcement** the name of the child and if requested, the date of birth.

Do not disclose:

- the child is a client of CWS, or
- the child's address. Instead provide the SW's office address as the child's residence.

NOTE: If an insurance carrier requests the name of the passenger (child), the SW must:

- submit an ex parte application requesting permission from Juvenile Court to release the foster child's information, **if the child is a dependent.**
- or**
- obtain a signed release of information, form 04-29, from the child's parent or legal guardian, **if the child is not a dependent.**

See Auto Accidents for more information.

Information Sharing with Immigration

The San Diego [Local Rules of Court](#) 6.6.4 (A) (19) allows for copies of CWS records to be provided to "The Mexican Consulate, when seeking the records of a child who is in protective custody and/or is before the court for a dependency action, and either:

- [a] is a Mexican national, or
- [b] has relatives (as defined in WIC 319) who are Mexican nationals.

Outside of the consulate, requests may be received from immigration/INS. SWs may be asked to fill out the I-918 form. SWs are **not** permitted to fill out this form. This form is asking for crime verification. CWS is not a criminal agency and CWS cannot verify the crime. Entities should be directed to a law enforcement agency (either the police department where the crime occurred or the DA who prosecuted the matter) to fill out the I-918 form.

Clients may be working with an immigration attorney to rectify their immigration standing. SWs are permitted to provide verbal information to these entities as to dates that the SW was aware that a client was in the U.S. No confidential case information may be disclosed. For a referral, that verification may only be the one day that the SW made contact with the client. Since San Diego is so close to the Mexican border, we cannot verify beyond that as the client may have crossed over and back. For cases, the verification could be longer encompassing dates where a child was confirmed in a US placement (i.e. not AWOL time).

**Information Sharing
with Immigration
(cont.)**

SWs may provide a letter on County letterhead that states the verified dates. No other information may be given in verbal or written format.

Any additional information or documentation that Immigration may want would require an 827 - Petition for Disclosure of Juvenile Case File.

**Phone Calls and
Contacts within the
Prison System**

Most phone calls and contacts made by (to and from) an inmate are recorded via a digital computer database recording device. SWs should be aware of this at all times.

When an inmate places or receives a phone call, the calls are recorded digitally. The phone numbers of attorneys, doctors and clergy are programmed in the computer database as blocked calls that are not allowed to be recorded per Penal Code. The recording computer shuts itself off when calls are made to/from those parties. SWs do not fall under this law.

When an inmate calls out, the receiver hears a recording stating that the call is from an inmate and that it will be monitored. Should the receiver not wish to be monitored, they are instructed to hang up.

Phone call recordings are kept in a computer database. Only law enforcement and the DA can retrieve these recordings. Law enforcement and the DA are privy to confidential CWS information by law (they do not need a 827 - Petition for Disclosure of Juvenile Case File court order for our information) so there is no concern with the confidentiality of CWS information in the recordings.

Additionally, in-person visits to detention facilities are recorded. Unlike the phone calls, there may not be notification of this. Phones are covered by federal mandates (the [FCC](#)) that require that both parties know that they are being recorded. State law does not mandate notifying parties of being recorded. Therefore, in an in-person prison/jail setting (a visit room) there may or may not be signs posted stating that the rooms are recorded but they are. SWs may be able to use the "professional visiting area" which is not recorded. By law, lawyers, doctors and clergy must have these "professional visiting area[s]" available for their communications. Again, it would not be a concern if SWs are in a recorded area as those with access to the recordings are already privy to confidential CWS information per 827 - Petition for Disclosure of Juvenile Case File. The only concern would be others persons near the public visiting areas that may overhear the SW conversation with his/her client. SWs must exercise common sense in these situations if they are not permitted to use the professional visiting areas.

Family Court Information Sharing

Local policy is as follows:

Type of Case or Referral	Information that may be shared
Open case/referral	<ul style="list-style-type: none">• 04-192• 04-192A• 04-193 <p>NOTE: If additional documents are requested, FC will contact PPS's Legal Support Services (LSS). Out of County Family Courts will not be given the 04-192 or 04-193 forms. The requestor will be referred to the LSS for copies of the CWS case file.</p>
Closed referrals/cases	Refer requestor to the LSS

SW will not provide verbal information to any FC entity including but not limited to judges, attorneys, and mediators.

FC will complete form 04-125fc and submit it to the LSS. (See Family Court Protocol for more information)

The LSS will give 2 years of referral history. Case information will include Case Notes and the latest court report. If additional information is requested, FC will be offered an appointment to come and view the CWS case file with the LSS.

SET Alignment

This policy supports SET [Value 5](#) of a strong working relationship with the legal system for the child/youth's confidentiality and support of a person's legal rights.