

<b>Policy Number:</b>		<b>Effective/ Revision Date:</b>	4/30/2019
<b>Policy Title:</b>	<b>Confidentiality Policy for Resource Parents</b>		
<b>Policy:</b>	It is the policy of Extraordinary Families to protect the confidentiality and privacy of all persons served in accordance with federal, state, and county regulations and CARF requirements.		
<b>Purpose:</b>	To define resource parents' responsibilities as it pertains to maintaining the confidentiality and privacy of children and youth in foster care and ensure resource parents understand those responsibilities.		
<b>Responsibilities:</b>	Resource Parents, Direct Service Social Workers and Supervisors, Director of Programs		
<b>Reference/ Relevant Documents:</b>	Reference:		

## SUMMARY

Extraordinary Families (EF) maintains a strict confidentiality policy in accordance with applicable State and Federal laws. Confidentiality refers to limitations on access to and use of information and documents that are protected by law or policy. All information in a juvenile case file are protected by WIC §827, and all foster care case records are confidential. It is the responsibility of Extraordinary Families (EF) and its resource parents to respect the confidentiality of information concerning children in foster care and their families and act appropriately within applicable confidentiality laws and regulations. Failure to adequately protect the confidentiality of children in care and their records could result in legal action being taken against the individual responsible for the breach of confidentiality as well as EF. It is the child's right and expectation that confidential information will be respected and safeguarded by the agency.

### Information Obtained by Resource Parents

Resource parents are entrusted with confidential information about children in their care and their families as a result of their work as resource parents. At the time of placement, Extraordinary Families will present as much information as allowed and known about a child and will continue to share information pertinent to the child's health, safety, and wellbeing as new details come to light. Due to the nature of emergency placements and other rare cases (e.g. the police find an abandoned infant), sometimes little or no information may be available about a child. In general, however, resource parents will receive the following information:

- Child's full name and date of birth
- Reason(s) the child entered foster care
- School records and related information (e.g. grade level, performance, and behavior)
- Medical records and related information that are a part of the Health and Education Passport or related to treatment (e.g. names of doctors, immunizations, physical limitations, allergies, special dietary needs)
- Court information regarding visitation with parents and siblings; name, phone, fax, and email of the assigned CSW/SCSW, child's attorney, CASA, and other service providers; the child's needs and services; copy of birth certificate, etc.

As partners in the provision of children's services, resource parents are bound by the same expectations of protecting this information as the agency. This means that no information learned as a result of their work as resource parents is to be shared outside of that professional service, even if identities are "disguised." Names, addresses and all other information concerning the circumstances of any individual for whom or about whom information is obtained is confidential. This is true of all information, whether written or oral, and this also applies to the use of a child's picture in publicity campaigns or social media.

### **Information That Can Be Shared and With Whom**

Information obtained and records maintained by a resource parent regarding a child or their birth family shall only be released with the approval of EF/DCFS and only to persons specifically authorized by the EF/DCFS or to the extent there is a written consent from the parent or legal guardian to do so. Special precautions should be taken when discussing a child's case with authorized persons in public areas, such as waiting rooms, public offices, hallways, etc. Casual conversations about child information with friends, other resource parents, and others not involved with direct services to the child are prohibited. Resource parents are encouraged to contact their EF social worker with any questions about what is confidential and with whom they may share information. It is also permissible to seek the advice and consent of Juvenile Court in matters of confidentiality.

In general, the following rules apply:

- **Need-To-Know:** Information that may be shared should be shared on a need-to-know basis. Need-to-know is defined as the extent that it is necessary to provide adequate services to the child in foster care. Need-to-know is a subjective measurement. It differs from person to person and situation to situation, as outlined below.

The following have a personal or professional relationship with the child and may have the need to obtain information about the child from resource the parents:

1. Biological parents/legal guardians of the child are entitled to information about their child. When sharing information with them, however, resource parents should limit it to the child's progress in the home, school, extracurricular activities, health, etc. It is *not* the resource parent's responsibility or within their authority to re-disseminate information that has been given to them, such as information about visitation with other family members or reports given to them by DCFS or EF. If the parents/legal guardians believe they are entitled to a report or information they did not receive, resource parents should advise them to contact DCFS.
2. DCFS, the legal custodians of the child
3. The child's foster care worker(s)
4. The child's physician or mental health practitioner
5. The child's attorney/guardian ad litem/Court Appointed Special Advocate (CASA)/other attorneys that have standing in the case
6. The court
7. An agency providing services to the child or family

The following may have a personal or professional relationship with the child, the biological family, or with the resource family, but do **NOT** have the right to obtain information from the resource parents, unless there is a release of information:

1. **Other Caregivers or extended members of the resource family:** Sharing of information about children or their families with other caregivers or relatives, who have no need to know about why the child is in foster care, is a violation of confidentiality. However, sometimes resource parents need to talk with others for support. Seeking help from other caregivers or from support groups is appropriate but should be done with confidentiality in mind. In these cases, resource parents should avoid releasing any specific or individually identifiable information (any information with which the individual could be identified). One way to do this is to talk about behaviors, not specific situations or individuals.

ACCEPTABLE EXAMPLE: "One of my kids is struggling a lot and disrupting the rest of the household." This is acceptable because the focus is on the behavior "struggling" and "disrupting;" and stating "one of my kids" is appropriately vague.

UNACCEPTABLE EXAMPLE: "My oldest foster child refuses to take his antidepressants and is disrupting the rest of the household." This is unacceptable because the listener can use clues such as "oldest" and "his" to identify a specific individual and further deduce that the child is on "antidepressants."

2. **Teachers, coaches, and other school officials:** While the teacher and other school personnel may need to know if a child is in foster care (e.g. for the child to receive support and services that are available in the school for children in foster care, for resource parents to work with the teacher and school in support of the child, etc.), they do not need to know the details of a child's case and personal information about the child and birth family. Prior school records, including special education, will be available for school personnel to use to help guide the child academically. If the teacher wants more information, resource parents should consult their EF social worker and/or CSW regarding what the teacher needs to know, or how to respond to the teacher's request.
3. **Babysitters/Respite Providers:** If another caregiver, relative, or other person provides babysitting or respite, consult with your EF social worker about information you feel is necessary to share with them for them to adequately take care of the child. In general, resource parents will need to provide the name and contact information of the child's pediatrician, the child's Medi-Cal number, emergency contact information, and any relevant behavioral information. The extent of information shared for an alternative caregiver or respite placement may vary, depending on the length of time, frequency, status of the respite provider, needs of the child, etc.
4. **News Media:** If a representative of the news media (television, radio, newspaper or internet) contacts resource parents about their role, they may **NOT** disclose any information about their children in care or their families or even disclose if a child is placed in their home. Furthermore, they may not permit any pictures to be taken that would enable someone to identify the child. Resource parents shall immediately notify the child's EF social worker or supervising social worker of the incident. Likewise, if a resource parent becomes aware that their foster child has been photographed by the media, that parent must contact the child's EF social worker and CSW immediately. This, however, does not apply to routine activities, such as school photos.
5. **Other:** If resource parents receive unauthorized visitors or telephone calls asking for specific information about a foster child or requesting to contact a child, it is imperative they do not

give any information. Instead, they should report the incident as soon as possible to the EF social worker and CSW. All requests for the release of information received by resource parents shall be referred to EF immediately.

- Information the child discloses: If a child in care discloses information to their resource parents that was or may become a safety concern, such as significant information about visitation with family, need for protection, past abuse, etc., the resource parents are required to share this information with the EF social worker so the child's best interests and safety can be maintained and/or assistance can be offered as needed for treatment.
- Information learned in court: Resource parents are recognized participants in juvenile court proceedings for the children in their home and will often learn a lot about a child's biological family and their progress in services they wouldn't otherwise be privy to. It is appropriate for resource parents to have access to this confidential information in this setting. It is not appropriate, however, for the resource parents to re-disseminate that information.
- Consent forms: Only the child's biological parents/legal guardians may sign a consent for treatment. If they are not available, such as during an emergency situation, the legal custodian (DCFS) may consent to treatment, or a judge may issue an ex parte order. Doctors may also provide care without consent if the emergency is life-threatening.
- Social Media: Under **NO** circumstances may resource parents use their social media accounts to communicate confidential, sensitive or personal information about a child in care, nor may they post pictures of children in foster care on *any* social media platform (e.g. Facebook, Instagram, Twitter, Snapchat, Pinterest, etc.). This applies even if the child is disguised, such as by blacking out the eyes. Doing so jeopardizes the child's safety and violates their right to privacy. Only *after* a child has been adopted by a resource family may that family choose to post pictures of their child online or share information about the child. They may not, however, share information about the child's parents.

### **Resource Parent Confidentiality**

Extraordinary Families is required to maintain the confidentiality of resource parent records and has policies and procedures to protect that information from improper disclosure or use. However, EF is permitted by law to disclose information from resource parent records on some occasions without their written permission or that of their authorized representative. Examples include:

- Disclosure to certifying or accrediting bodies to monitor the quality of services,
- Disclosure to authorized representatives in the event of an emergency,
- Disclosure to EF staff members for the purpose of clinical supervision, and
- Disclosure to DCFS and other placing agencies for matching and placement purposes.

### **Penalties for Breaching Confidentiality**

Violation of these rules may be punished both civilly and criminally. The person(s) whose documents or information or identity was released illegally may file a civil lawsuit for money against the person(s) who released it. The County Attorney may file criminal charges seeking a fine and imprisonment in the county jail. In addition, if the person(s) who released the information is a licensee of the state (resource parent) the license can be revoked, and no licenses would be issued in the future.

DCFS and/or EF may require the resource parents to comply with a corrective action plan, or ultimately revoke the resource parent certification.

## RESOURCE PARENT CONFIDENTIALITY AGREEMENT

- I hereby agree that I will not divulge to any unauthorized person any information obtained while performing work pursuant to the Agreement between me and Extraordinary Families and the County of Los Angeles. I agree to refer all requests for the release of information received by me to the Resource Family Agency certifying my home.
- I agree to return all necessary materials to Extraordinary Families upon termination of my certification by Extraordinary Families or removal of my last placed child, whichever comes first.
- I agree to report any and all violations of this Resource Parent Confidentiality Agreement by any other person and myself to Extraordinary Families, and I agree to ensure that the agency reports such violations to the County of Los Angeles DCFS. I acknowledge that violation of this Agreement may subject me to civil and/or criminal action and that the County of Los Angeles will seek all possible legal redress.
- I agree to return all materials to Extraordinary Families upon termination of my certification by the agency or removal of my last placed child, whichever comes first.
- I have read and understand the manner in which Extraordinary Families will handle the confidentiality of my records.

## DISCLOSURE OF INFORMATION

- I am aware that I will be presented with as much information as Extraordinary Families and DCFS has on a child before accepting the placement of a child. However, there are times that the agency and/or DCFS is not fully aware of all of the information at the onset of a placement; at other times, I may be the first to learn of information regarding the child and their birth family. I am aware that this is an unfortunate part of the fost/adopt process and not a reason to ask for a child to be removed from my home.

By signing below, I acknowledge that I have read this document in its entirety and understand my responsibility to maintain the confidentiality of the information provided to me regarding the foster child(ren) in my care. I also acknowledge that I have been provided a copy of this document.

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*Signature of Resource Parent 1*

*Printed Name*

*Date*

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*Signature of Resource Parent 2*

*Printed Name*

*Date*