	Division/Section	Child Welfare
	Chapter No./Name	1 – Administrative Policy
	Part No./Name	5 – Confidentiality
	Section No./Name	Confidentiality
	Document No./Name	1-500 Staff Responsibility for Confidentiality
	Effective Date	August 8, 2023

I. STATEMENT OF POLICY

Confidentiality is defined as the preservation of private information concerning a client, his family, and his situation disclosed in a professional relationship. Refer to Section [1-221](#), Duty to Warn and * DCFS Policy [6-01](#), Confidentiality of Client Case Records.

II. PROCEDURES

A. RESPONSIBILITY OF ALL AGENCY STAFF


Louisiana and federal statutes and regulations specify the types of records and information that shall be confidential. They also include the types of records and information that may be disclosed under certain circumstances. When information is so shared, the confidentiality obligation attaches to the recipient of the information.

Maintaining the confidentiality of information gained from or about a client and his family is both ethically and legally binding on all employees of the Department of Children and Family Services. It extends to both the formal handling of case records, e-mails, phone/text messages related to clients/cases, documents and information as well as to informal discussions concerning cases or clients, in or out of the office. Staff may only discuss cases or clients with other staff or other persons who are involved in the case on a “need to know” basis and only as permitted under law and policy. All staff, including clerical, shall refrain from discussing case situations or discussing clients casually in the office or in public places such as restrooms, at lunch, while traveling, or at social gatherings, regardless of whether or not the client’s name is used. Such conversations may be overheard and may lead to identification of the client by someone outside the department and/or create a negative public image of the department. Policy pertaining to guidelines for handling criminal history record information (CHRI), is located in policy [1-1010 Criminal History Record Information](#). Failure to comply with the legal mandates and/or departmental policy with regards to the confidentiality of records and information may subject a DCFS employee to both legal sanctions and department disciplinary action.

B. SUPERVISORY STAFF

It is the responsibility of every supervisor (program and clerical) to familiarize both himself and his staff with the confidentiality policy of both DCFS (Policy 6-01, Confidentiality of Client Case Records) and Child Welfare and CW Administrative Policy [1-1010 Criminal History Record Information](#) ** *** to assure compliance with the provisions of policy in relation to the care and custody of case records and case record information.

Specific program policy should also be reviewed for more detailed instructions relating to the handling of confidentiality issues related to that program or for program specific interpretations not included in this section.

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Questions concerning confidentiality laws or agency policies shall be submitted in writing and directed to the “appropriate” State Office Program Division. Questions about confidentiality in a case specific situation shall be directed to the Regional Attorney.


C. LOCKING CONFIDENTIAL FILES

* **Child Welfare** staff shall secure case records in locked cabinets or desks in order to ensure that no one has access to confidential information other than authorized agency personnel. The following procedures shall apply to record security:

- Records should never be left unattended on top of desks or tables;
- Use all locking space available in local offices for records and binders;
- Records should be locked in desk, filing cabinet or other secure storage when workers are away from the office for an extended period of time;
- If additional space is needed, use desk drawers. Even if the drawers do not lock, this will allow records to be kept out of sight;
- Arrange for cleaning staff to work during office hours; if possible, or limit their access to rooms where records are stored after work hours;
- If office doors lock, they should be locked at night if records cannot be stored in locking cabinets. This may require that trash cans be placed in the hall to be emptied for night cleaning staff and that they be allowed to enter offices; and
- If the door to the file room locks, it should be locked at night. If it does not lock and people other than staff have access to it, someone should be assigned to monitor the room during working hours.

D. DEPARTMENTAL COMPUTER SYSTEMS AND CONFIDENTIALITY

All client information, including that in the Tracking, Information, and Payment System (TIPS), the Comprehensive Enterprise Social Services System (ACESS), and all **DCFS** agency computer data systems and databases are subject to all of the confidentiality requirements of LA R.S. 46:56 **and federal law/regulations**. Care shall be taken in each **Child Welfare **** office that only authorized employees have access to computer data on clients or have access to printouts with identifying client information.

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Staff shall not access client information in ACCESS * and any other state system, except for that necessary for intake purposes and/or for cases in which they are directly involved as a Child Welfare employee. Additionally, staff shall not access information in investigation cases with overall findings of invalid or inconclusive unless the computer case record review is related to a current intake, investigation, Continuous Quality Improvement (CQI) review or provision of services to the persons involved in the invalid or inconclusive investigation. Refer to Section 1-520 C.2.c., Investigations with Invalid and Inconclusive Findings.

E. PARTICIPANTS IN TEAM MEETINGS AND STAFFINGS

Persons authorized by the adult client or a minor client's parents and approved by the department ** to participate in developing a *** * case plan with a client may participate in Family Team Meetings, staffings, or other planning meetings where the purpose is to develop the case plan with the child and/or family. This includes Family Team Meetings and family meetings.

Professional participants in case specific consultation/staffings such as Multi-Disciplinary Teams are bound by Child Welfare confidentiality requirements. Each participant should sign a statement regarding their understanding of and compliance with the confidentiality requirements at the time of their first staffing.


The following statement may be added to staffing sign-in/confirmation forms for all participants' signatures documenting attendance at the staffing and understanding of confidentiality:

"I understand that all information reviewed and/or discussed in this staffing is confidential by Louisiana and federal statutes and regulations as well as Department of Children and Family Services/Child Welfare (DCFS/CW) policy. By signing this document, I note my attendance in this staffing and I agree to maintain confidentiality of case information by refraining from discussing such, outside of this staffing and/or other related Child Welfare meetings, regardless of whether or not clients' names are used. I understand that violation of the confidentiality standard of the Department of Children and Family Services will, pursuant to R.S. 46:56, result in a fine of up to \$2,500.00 and imprisonment for up to two years in the parish jail, or both and not less than \$500.00 or 90 days on each count."

The staffing facilitator should make all participants aware of the confidentiality statement on the signature section of the staffing form.

1. Criteria for Editing Case Record Material

Material from case records to be used for purposes other than for case conferencing; case specific worker and supervisor conferences; legal purposes; and, case related reviews such as * Continuous Quality Improvement (CQI), ** IV-E and Child and Family Services Reviews, etc., shall have all identifying

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information removed or obliterated. Each page of the material shall be labeled “Edited Version Page #” to indicate it has been edited.

Case material shall not be taken out of a local office unless it has been edited. The only exceptions are when taking case material to court and responding to a request for case material by State Office or a regional office for review purposes. Any request for cases, shall specify how the material is to be used and state whether the material shall be edited.

Any material used in training, public speaking engagements or in writing papers, articles, etc. must be edited and should represent composite situations rather than one case or family.

2. Editing the Case Record

When case material is edited, all names of clients, references, relative, workers, institutions, judges, other social agencies, names of parishes and cities, etc. shall be completely changed. Surnames should not begin with the same initial letters. If it is necessary to edit the location of the case, a fictional parish and city may be used in order not to distort the case material.

F. TRANSPORTING RECORDS BETWEEN OFFICES


Case records shall not be taken out of the office except to be transported to another *** Child Welfare **** office, to court or upon the request of a Regional Attorney. There shall be a transmittal memo attached listing the cases being transported. If a case record is transported out of the office by automobile or public carrier, every precaution shall be taken to protect the record from being observed and accessed by persons not authorized to review confidential information. The State Office ***** * Support Services** “Liaison Section” shall be notified immediately if a case record that is taken out of the office is lost.

Under no circumstances shall a worker, supervisor or other employee of **Child Welfare take an original hard copy case record home without agency authorization.**

G. CONFIDENTIALITY WITH THIRD PARTY REQUESTS FOR INFORMATION

1. **Child Welfare** Responsibility to Maintain the Confidentiality of Records Received from Others

When **a Child Welfare **** case record has information, reports, or evaluations received from another agency or person, and the information is subject to a federal confidentiality statute or regulation that prohibits the re-release of the

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information to a third party, * **Child Welfare** has an obligation to maintain that confidentiality by not disclosing the information.

In some cases, staff may not know whether the information may be released to a third party. When considering release of information to a third party, staff should consult the Regional Attorney for clarification.

2. Substance Abuse Treatment Records

Federal law and regulation ([42 USC § 290dd-2](#) and [42 CFR. Part 2](#)) require strict confidentiality of alcohol and drug abuse patient records about persons receiving alcohol and drug treatment in a federally assisted alcohol or drug treatment program.


The law permits the sharing of information under limited circumstances, including when a written consent that meets the requirements of [42 CFR § 2.31](#) of the client is obtained, or with a court order based on “good cause”.

Confidentiality does not prohibit the substance abuse treatment program from reporting child abuse/neglect to **Child Welfare**. However, subsequent to the initial report of child abuse/neglect confidentiality is applicable to the treatment program.

Confidentiality of a client’s patient record from an alcohol and/or drug treatment program must be maintained when **Child Welfare** is responding to a subpoena for case record information. Therefore, no information regarding the substance abuse treatment may be released with the **Child Welfare** case record information without either the client’s consent under 42.CFR § 2.31 or a court order that specifically references the disclosure of the substance abuse treatment information. Staff shall consult with the Regional Attorney prior to any release of this information.

H. DISCLOSURE OF EVALUATION REPORTS TO CLIENTS BY HEALTH CARE PROVIDERS

[R.S. 40:1165.1](#) requires a health care provider to give a patient, at their request and with a signed release of information, a copy of any information the provider has transmitted to any company, any public or private agency or any person. Reports or information on evaluations purchased by and sent to **Child Welfare** by health care providers are subject to this statute, and the provider is not required to obtain **Child Welfare **** consent before sending the information (copy of the evaluation) to anyone requested by the patient to receive the information.

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However, if the information/report was not transmitted to anyone by the health care provider it is not subject to disclosure to the patient under LA R.S. * [40:1165.1](#). This limitation is applicable to social summaries (Assessment of Family Functioning) prepared by a **Child Welfare** worker and submitted to the health care provider as part of the referral provided the health care provider does not attach a copy of the social summary to any transmitted report/evaluation. The social summary is for the use of the health care provider as preparation for the evaluation. The information in the social summary/family assessment may be used in the evaluation, but the **Child Welfare **** social summary is confidential. Social summaries sent to health care providers should include the statement that the written social history/family assessment is confidential and shall not be released or attached to any reports or evaluations transmitted by the health care provider.

III. FORMS AND INSTRUCTIONS

There are no forms associated with this policy.

IV. REFERENCES

* CW Policy [1-221 Duty to Warn](#)
 CW Policy [1-1010 Criminal History Record Information](#)
 CW Policy [1-520.C.2.c. Investigations with Invalid and Inconclusive Findings](#)
 DCFS Policy [6-01 Confidentiality of Client Case Records](#)
[R.S. 46:56](#)
[R.S. 40:1165.1](#)
[R.S. 15:587](#)
[42 USC 671 a\(20\) **](#)