

CASA Conversations

Confidentiality and Information Sharing

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Virginia Department of Criminal Justice Services

Agenda

- *Code of Virginia*
- Regulations
- NCASA Standards
- Advisory Committee Guidance Policy
- Best Practices
- Q&A from Local CASA Programs

Code of Virginia

1. CASA volunteers may share with the Guardian ad litem information gathered on the child.
Virginia Code § 9.1-153 (A)(4).
2. CASA volunteers have access to records and information related to the **child** upon presentation of a valid court order of appointment.
Virginia Code § 9.1-156(A).

§ 9.1-153. Volunteer court-appointed special advocates; powers and duties; assignment; qualifications; training.

4. Assisting any appointed guardian ad litem to represent the child in providing effective representation of the child's needs and best interests.

**§ 9.1-156. Inspection and copying of records by advocate;
confidentiality of records.**

- A. Upon presentation by the advocate of the order of his appointment and upon specific court order, any state or local agency, department, authority, or institution, and any hospital, school, physician, or other health or mental health care provider shall permit the advocate to inspect and copy, without the consent of the child or his parents, any records relating to the child involved in the case.

**§ 9.1-156. Inspection and copying of records by advocate;
confidentiality of records (continued)**

Upon the advocate presenting to the mental health provider the order of the advocate's appointment and, upon specific court order, in lieu of the advocate inspecting and copying any related records of the child involved, the mental health care provider shall be available within seventy-two (72) hours to conduct for the advocate a review and an interpretation of the child's treatment records which are specifically related to the investigation.

**§ 9.1-156. Inspection and copying of records by advocate;
confidentiality of records (continued)**

- B. An advocate shall not disclose the contents of any document or record to which he becomes privy, which is otherwise confidential pursuant to the provisions of this *Code*, except upon order of a court of competent jurisdiction.

Regulations

6VAC20-160-40. Program and personnel policies

D. CASA programs shall write policies on the following and make those written policies available to the respective courts:

- (6) The confidentiality of the records and information to which CASA volunteers will have access, and training volunteers on the importance of confidentiality.

Regulations *(continued)*

6VAC20-160-70. Confidentiality.

- A. All CASA volunteers shall follow specific policies regarding the following:
1. Reporting suspected child abuse and neglect, and the procedure for making such reports;
 2. Confidentiality of records and information; and
 3. Contacting, interviewing and responding to persons involved in the case.

Regulations *(continued)*

- B. To the extent permitted by state and federal confidentiality laws, CASA volunteers should share information gathered with other involved professionals whenever possible and practicable.

National CASA Standards

2. B. Maintaining Confidentiality

1. The CASA/GAL program follows written policies and procedures regarding access to, use of, and release of information about the children it serves to ensure that the confidentiality of children and their families is maintained at all times.
2. CASA/GAL staff and volunteers respect the child's right to privacy by maintaining confidentiality.

National CASA Standards *(continued)*

3. CASA/GAL volunteers take an oath of confidentiality upon completion of training and sign a statement of confidentiality upon acceptance of each case.
4. CASA/GAL staff sign a statement of confidentiality upon hire.
5. The CASA/GAL program demonstrates its compliance with applicable statutory requirements pertaining to confidentiality of client information by ensuring that its policy, procedures and practices are consistent with all applicable laws and regulations.

National CASA Standards *(continued)*

6. Access to records is limited to the court, authorized agency personnel and others outside the agency whose request for access to confidential information is permitted by statute or the court.
7. All confidential electronic and hard copy correspondence, files, and records are safely and securely maintained.
8. Controls exist that enable records to be located at any time.

National CASA Standards *(continued)*

9. The CASA/GAL program has a policy to protect confidential information of governing body and advisory committee members, staff, volunteers, and donors.

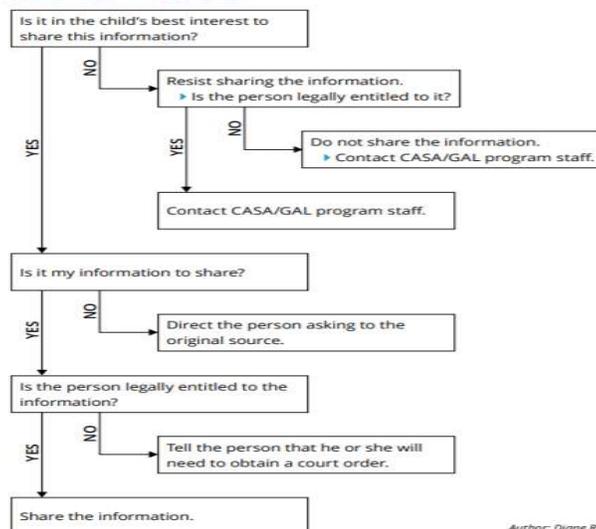
Advisory Committee Guidance Policy

1. Access records on child per *Code of Virginia* with valid order of appointment.
2. Share information with Assigned GAL.
3. Obtain signed release of information for any other party records (parent, guardian, or other interested party).

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Obtaining Confidential Case-Related Records

SHOULD I SHARE INFORMATION WITH SOMEONE ELSE ABOUT THIS CHILD OR THIS CASE?



Author: Diane Robinson

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Challenging Scenarios

- When to share and when not to share
- What about DSS?
- Cross jurisdictional CASA program sharing of information
- Attendance at FAPT/FPM other Case planning meetings
- Access to parent/guardian information
 - Use appropriate Release of Information forms
 - Inform attorneys
 - Follow process for accessing information from providers

Local Program Q & A

- Ensuring confidentiality of files shared with volunteers
- Sharing case information between CASA program staff, board, and volunteers for purpose of training and support
- Court Reports
 - Distribution to parties
 - Including information from therapists, medical reports
 - Requirement to return reports to clerk at conclusion of hearing
 - Electronic distribution

Local Program Q & A

- Overconfident volunteers
- Multidisciplinary Teams