



Policy: Access to Confidential Reports and Records in Cases of Child Abuse or Neglect

ChildNet Number: CN 001.008

Original Approved Date: June 4, 2003

Policy Revised Date(s): December 10, 2009, June 16, 2010, July 9, 2014

Policy Sunset Date:

COA Standard(s): RPM 6.03, 8.01, 8.04

Statement of Policy:

It is ChildNet's policy to release confidential records only to those who are legally entitled to such information and provide a written request. ChildNet will follow all requirements as established by law, including the provisions of the Health Information Portability and Accountability Act of 1996 (HIPAA)

Board Chair's Signature:

Date:

07-29-14



Procedure: Access to Confidential Reports and Records in Cases of Child Abuse or Neglect

ChildNet Number: CN 001.008

Original Approved Date: June 4, 2003

Procedure Revised Date(s): December 10, 2009, June 16, 2010, February 10, 2011, July 9, 2014, March 20, 2018

Procedure Sunset Date:

COA Standard(s): RPM 6.03, 8.01, 8.04

Definitions (If any):

Statement of Procedure:

- A. ChildNet contracted Service Providers request documents by submitting the request via email or mail to the Child Advocate, Dependency Case Manager, Unit Staff Assistant (USA), or ChildNet Legal Department. The information requested shall be limited to that information pertaining to the client to whom the Service Provider is providing services.
- B. Requests for closed records are to be submitted to ChildNet Legal Department via the Request for Confidential Information form. Closed record requests are to be provided to ChildNet's Chief Legal Officer or designee for review. A review is conducted and a determination is made as to whether or not the request is granted. ChildNet Legal Department staff will request the records from Records Management and prepare them for review and redaction, if necessary.
- C. Information released shall be limited to only that which is specifically requested. In all cases, the requestor is notified in writing (email is acceptable) of ChildNet's response no less than (30) thirty days after the receipt of the request.
- D. ChildNet shall attempt to obtain written authorization for the release of a client's records if the client is not the person making the request. If the request is from a person or entity permitted under the law to receive such information without the client's prior authorization, the client shall be notified of the request. A copy of any written authorization is to be provided to the client. Client notification of the request shall take place and be documented in the Comprehensive Child Welfare Information System (CCWIS) , if the CCWIS case is open, within 48 hours of receiving the request.
- E. The USA or designee requests the file from Records Management, retrieves the document(s), scans and emails the documents to the Service Provider or to ChildNet Legal Department if there is any question as to the provider being entitled to the document or if any of the information contained in the requested documents may be confidential.



- F. ChildNet Legal Department staff will process the document(s) requested. The processing of the request includes, but is not limited to the review of documents to assure that no statutory confidentiality provisions require that the requested documents be obtained directly from the originating source. Additionally, information which is private and confidential, as established by federal and state laws, will be redacted from the records.
- G. ChildNet Legal Department staff, within 7-10 business days of receiving the request, is to scan the reviewed document(s), password protect the documents, and forward the documents via email to the Service Provider. If the document(s) are not ready at this time, the Provider is to be informed as to when the documents will be available.
- H. ChildNet Legal Department staff is to follow up the email containing the password protected document(s) with an email informing the service provider of the password, allowing them access to the document.
- I. ChildNet Legal Department staff is to maintain a tracking log, which documents the receipt of the Document Request Form by date and Service Provider, the USA's name, the date scanned document(s) received from USA, and date scanned document(s) emailed to Service Provider.
- J. The following requirement contained in s.39.202 (8) F.S. shall be prominently displayed on the first sheet of any document released:

Pursuant to s.39.202 (8) Florida Statutes, a person who knowingly, willfully makes public or discloses to any unauthorized person any confidential information contained in the central abuse hotline is subject to the penalty provisions of s. 39.205, Florida Statutes.

President's Signature:  **Date:** 4/17/18