

Confidentiality Laws and Regulations

Child Protective Services Law (CPSL)

Refer to the following sections in the *Charting the Course Resource Directory* and the information below:

§6334 (b) Referral for services or investigation

If the complaint received does not suggest suspected child abuse but does suggest a need for social services or other services, the department shall transmit the information to the county agency or other public agency for appropriate action.

§ 6339 – Confidentiality of reports and § 6340. Release of information in confidential reports

These sections provide guidelines for sharing information. CPSL section 6339 outlines that reports made pursuant to this chapter, including, but not limited to, report summaries of child abuse and written reports made pursuant to section 6313 (b) and (c) (relating to reporting procedure) as well as any other information obtained, reports written or photographs or x-rays taken concerning alleged instances of child abuse in the possession of the department or a county agency shall be confidential.

§ 6340(a)(1-16) General rule

This section identifies agencies and persons to whom confidential reports are made available, in addition to agencies in other counties or states where the child has moved. It is important to explain that public or private agencies are not included in the list of persons to whom confidential reports are made available. Releases of information, therefore, must be obtained from the individuals in order to share the specifics of the child abuse investigation or finding.

§ 6340(b) Release of information to subject of report

At any time and upon written request, a subject of a report may receive a copy of all information, except that prohibited from being disclosed by subsection (c), contained in the Statewide central register or in any report filed pursuant to section 6313 (relating to reporting procedure).

§ 6340 (c) Protecting identity of person making report

Except for reports pursuant to subsection (a) (9) and (10), the release of data that would identify the person who made a report of suspected child abuse or the person who cooperated in a subsequent investigation is prohibited unless the secretary finds that the release will not be detrimental to the safety of that person. Law enforcement officials shall treat all reporting sources as confidential informants.

Confidentiality Laws and Regulations, continued

§ 6340 (d) Exclusion of administrative information

Information maintained in the Statewide central register which was obtained from an investigating agency in relation to an appeal request shall not be released to any person except a department official, as provided by regulation.

Children & Youth Regulations

Section 3490.91 (a) (1) of the Protective Services Regulations provides guidelines of persons to whom child abuse information shall be available to protect the safety and well being of a child. Included (but not limited to) on the list are:

- An authorized official of a county agency or of an agency of another state that performs protective services analogous to those services performed by county agencies or the Department in the course of the official's duties, multidisciplinary team members, **and authorized persons providing services (to CYS) by referral.**

Section 3130.44 (c) of the Administration and Fiscal Management Regulations provides guidelines regarding confidentiality of family case records. These guidelines allow information necessary to protect the safety and well-being of a child to be released. Included (but not limited to) on the list are:

- Another county agency and **other providers of services** to children and families who are accepted for service by the county agency may have access to and the right to use information identifying recipients of children and youth services. **The amount and type of information to be released shall be determined by the county agency and shall be limited to information needed by the service provider to carry out its responsibilities.** The decision to release information shall be based on the county agency's assessment of the individual case record and the responsibilities of a service provider. Information released may include part or all of the case record.