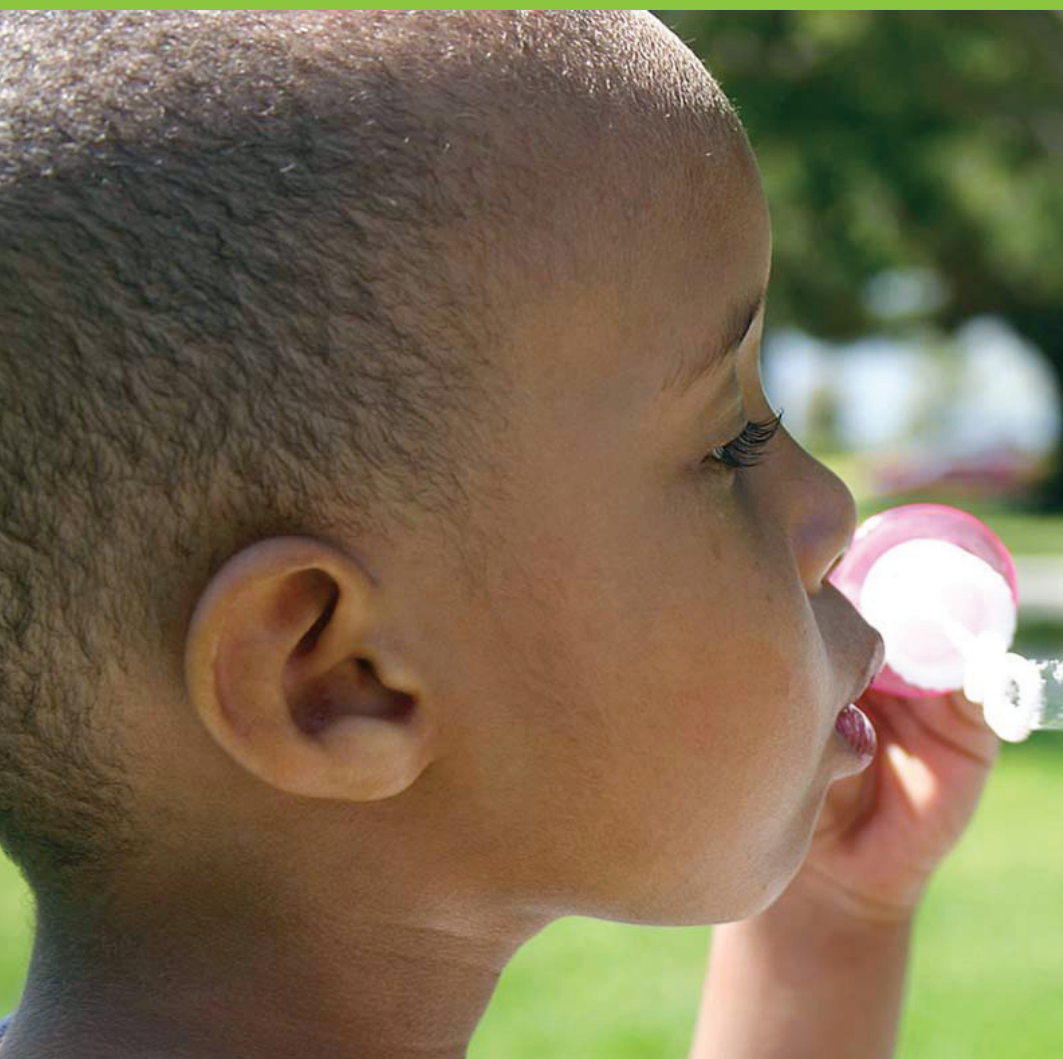


King County
**resource
guide**

Information Sharing



A facilitating tool for the agency partners, and their professional staff, of the King County Systems Integration Initiative.



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Outline of Laws on Information Sharing

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Foreword

This resource guide is a tool for the agency partners of the King County Systems Integration Initiative and their professional staff. The King County Systems Integration Initiative is an ongoing collaboration in Washington state whose ultimate goal is to improve outcomes for children and youth receiving services of the child welfare and juvenile justice systems. The initiative's immediate aim is to change the way we (all systems, including education, mental health, etc.) work together in support of children and youth and their families. The state, county, and community leaders of the initiative envision a smooth, expeditious system characterized by effective teamwork. Information and its constructive use are critical to this sort of teamwork. This guide provides clear, easy-to-follow guidelines around information-sharing and confidentiality for children and youth in the child welfare and juvenile justice systems.

Staff often feel confused about what can be shared, or they may feel intimidated by their legal obligations to protect confidentiality. Widespread confusion exists. It even occurs among agency representatives who share similar responsibilities to support the same children, youth, or families. Washington law and federal law actually allow and support the exchange of information between systems much more readily than is generally understood. To provide clarity and to support effective collaboration, this guide provides basic answers to questions about the sharing of information between the staff of our various systems. While developed for staff in King County, this guide has been reviewed by program counsel and may be applied statewide.

The work of the initiative's Legal Analysis Subcommittee provided the basis for this guide. The Executive Steering Committee has approved it as officially reflecting and supporting the goals of the Initiative. Noella Rawlings, Robert Wyman, Oma LaMothe, Mary Beth Short, Russ Goedde, Terry Cays, and Patrick Noone did the detail work necessary to create the Guide. We are grateful for the care they have taken in doing the legal research and in the organization of the document. In addition, we are grateful to other reviewers, including Dave Stolier, Sheila Huber, and Jeff Killip, who serve in the Attorney General's Office representing education, juvenile justice, child welfare, and other social services.

Introduction

This resource guide is for you if you are a

- Juvenile Probation Counselor (JPC),
- DCFS social worker,
- Juvenile Justice Administration (JRA) case manager,
- School staff or educator, or
- Dependency CASA (Court Appointed Special Advocate)

of a child who is both a dependent child under RCW 13.34 and an adjudicated juvenile offender under RCW 13.40.

This guide is designed to improve communication by providing a better understanding of what information may be shared between the juvenile dependency and juvenile justice systems.

When discussing a child who is both dependent and an adjudicated offender, it is not uncommon to be uncertain about what information you can share and with whom you can share it. This booklet summarizes what information you can share, how much you can share, and to whom you can give information about that child. Your agency may have other requirements regarding information sharing that you also need to be familiar with and follow.

List of Acronyms

CASA	Court Appointed Special Advocate
DCFS	Department of Children and Family Services
DSHS	Department of Social and Human Services
FERPA	Family Educational Rights and Privacy Act
GAL	Guardian ad Litem
HIPAA	Health Insurance Portability and Accounting Act
JPC	Juvenile Probation Counselor
JRA	Juvenile Justice Administration (Juvenile Rehabilitation Administration)
RCW	Revised Code of Washington
U.S.C.	United States Code
UW	University of Washington

Dispelling Myths

Confused about who can share what about whom? You are not alone! When it comes to sharing information about children, it's hard to separate myth from fact. This is especially true when large systems intersect (or, as some would say, "collide"). Here are some of our favorite myths—along with corresponding facts to set the record straight.

Myth # 1

All information in the DCFS record about dependent children is confidential and may not be shared with anyone except the child's parents.

Fact

Depending on your role, you may provide and/or receive information about a child's DCFS records when you are pursuing an investigation about the child or you have responsibility for supervising the child.

Fact

Parents or juveniles and their attorneys are to be given access to all records and information collected or retained by the JPC and JRA case managers (with a few exceptions). In addition, records retained or produced by the JPC or JRA case manager may be shared with DCFS social workers if DCFS is investigating or pursuing a case regarding the juvenile or has supervision of the juvenile.

Myth # 2

JPCs and JRA case managers are prohibited from sharing information with anyone other than a child's parents.



Overview of Laws on Information Sharing



There are many federal and state laws and rules governing the sharing of information that must be followed when working with families who have children who have been found by a court to be dependent and have also been found by a court to have committed juvenile offenses. The goal of these laws and rules is to strike a balance between protecting a family's or individual's privacy and legal rights and to allow agencies and system professionals to exchange information considered essential for coordinating of services.

What is your role?

Your ability to obtain and share information depends on your role in the child's life. This guide provides several tools to help you decide when and how to share information. It also identifies the laws authorizing the sharing of information.

Why should information be shared?

Dependent children who have committed juvenile offenses are involved in both our child welfare and juvenile justice systems. The agencies and individuals who work with these children are better able to serve the needs of these children when relevant and necessary information is shared. Services can be coordinated better and provided more efficiently. Moreover, timelier and more efficient communication results in greater collaboration.

When should you share information?

This guide answers basic questions about information sharing. The guide is not intended as legal advice, however. To fully understand the laws that apply, some situations require you to consult your supervisor or your legal counsel.

Even if the law gives you authority to share information, many situations still require you to use good judgment about what information you should share, how and when to share it, and with whom. The children you work with and their families are dealing with very sensitive issues. Respect their privacy. Ask the requestor why the information is needed. Information may be disclosed when needed to carry out the requestor's responsibilities under law to protect or serve children. You need to discuss with the requestor what information is necessary and relevant to the scope of the requestor's work with the child. Having a clear understanding of the requestor's needs will help you disclose only the specific information that is necessary and relevant for serving the needs of the child and family.

Remember that, once released, information is difficult to retrieve. Regularly consult your supervisor, records coordinator (if you are a JRA case manager), or legal counsel if you are unsure about whether and how to share information. JRA case managers must also refer to JRA policy manuals to determine when and how to share information.

Information Sharing and Confidentiality

WASHINGTON STATE LAWS

- Keeping and Release of Records by Juvenile Justice or Care Agencies, RCW 13.50
- Family Reconciliation Act, RCW 13.32A
- Juvenile Court Act, RCW 13.34
- Child Abuse and Neglect Reporting Statute, RCW 26.44
- Juvenile Justice Act, RCW 13.40
- Uniform Health Care Information Act, RCW 70.02
- Mental Illness, RCW 71.05
- Common School Provisions, RCW 28A
- Treatment for Alcoholism, Intoxication, and Drug Addiction, RCW 70.96A
- Control and Treatment of Sexually Transmitted Diseases, RCW 70.24
- Mental Health Services for Minors, RCW 71.34.200
- Public Disclosure Act, RCW 42.17

You can find any of these state laws at www.leg.wa.gov/rcw

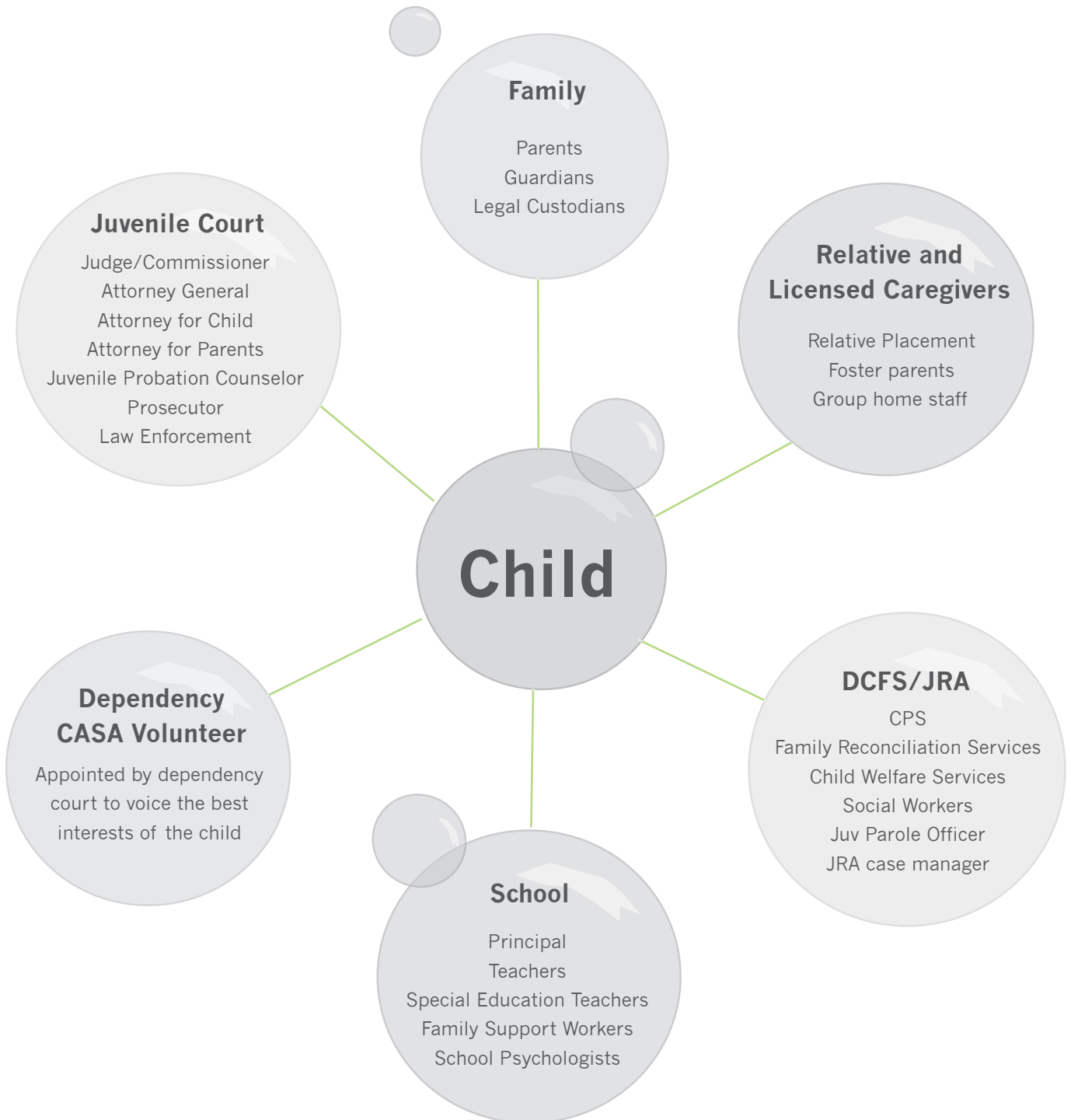
FEDERAL LAWS

- Adoption and Safe Family Act, 42 U.S.C. § 629(b), P.L. 105-89
- Child Abuse Prevention and Treatment Act, 42 U.S.C. § 5101, et seq.
- Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, 34 CFR § 99
- Health Insurance Portability and Accounting Act (HIPAA), 42 U.S.C. § 201, 45 CFR § 160, 164
- Alcohol and Drug Abuse Patient Records, 42 U.S.C. § 290dd-3 and 42 U.S.C. § 290ee-3, 42 CFR, Part 2

You can find any of these federal regulations at <http://cfr.law.cornell.edu/cfr/>

A Look At Roles

A family receiving child welfare and juvenile justice services has a wide variety of caring people, agencies, and systems involved in their lives. Information often needs to be shared among these participants to ensure the stability, continuity for the child. The chart below identifies the primary participants who have or need information about children and families in the system.



Information Sharing—Decision-Making

Start Here

Is the information I have necessary and relevant and important to the child's and family's case planning and services?



Yes

Is it my information to share?

**Who am I?
What is my role?**

No

Direct the request to the original source of information

Unsure?

Consult your supervisor or legal counsel.

Yes

Is the recipient of the information legally entitled to it?

**Who is the requestor?
Why is this person requesting information?
How will the information be used?**

No

Do not share the information

Unsure?

Clarify the person's role and intent with your supervisor or legal counsel.

Yes

Share the information, and be sure to:

- 1 **Use common sense!** Remember the purpose of the exchange and the role of everyone involved.
- 2 Consider timelines and priorities: Share critical information promptly.
- 3 Think about where and how the information will be exchanged. Consider the purpose and type of information to be shared, the parties involved, and timelines when selecting the setting for exchange and consider whether the information may or will be further disclosed. If only part of the information is disclosable, then the remainder needs to be redacted or withheld.
- 4 Document the release of the information as required by your agency.

Don't stop here!

Be sure to check the law! Use this Decision-Making Tree with the Overview of Information Sharing Laws in this Field Guide.

Quick Reference Grid on Information Sharing Laws— FOR CHILDREN IN SHELTER CARE OR DEPENDENCY STATUS

RECEIVERS OF INFORMATION

	DCFS Social Worker	School Staff and Educators	Dependency CASA Volunteer	JPC/JRA Case Manager	Law Enforcement
Division of Children and Family Services (DCFS) Social Worker	DCFS social workers can share all information within DCFS.	DCFS can share information necessary for case planning. RCW 13.50.100(3), RCW 26.44	DCFS shares all information with a few exceptions. RCW 13.34.105(3) ¹	DCFS shares necessary information when JPC/JRA case manager is pursuing case or assigned supervision of the juvenile. RCW 13.50.050; 13.50.100(3)	DCFS shares relevant information when a case involving the juvenile is being pursued or investigated by law enforcement. RCW 13.50.100
School Staff and Educators	Schools can release to DCFS in an emergency, under court order or subpoena, and when a child is dependent or in shelter care. See specific conditions and exceptions under the “Schools” section in this Guide.	Enrolling district must request records from the district student previously attended. Prior district must send information within 2 school days. RCW 28A.225.330(2)-(3), 34 CFR 99.31.	Schools must release Ed records to CASA. RCW 13.34.105(3) ²	Schools may share relevant information with JPC/JRA case manager when JPC/JRA case manager is pursuing case or assigned supervision of the juvenile. Upon conviction or if the juvenile is in detention, schools must provide records to JPC/JRA case manager necessary for risk assessment, security classification and placement. RCW 13.40.480	Schools may share relevant information about the juvenile when law enforcement is investigating or pursuing a case involving the juvenile. RCW 13.50.100
Division of Children and Family Services (DCFS) Social Worker	Dependency CASA volunteers may disclose information per RCW 13.50.100. RCW 13.34.105.				
Dependency CASA (Court Appointed Special Advocate) Volunteer	JPC/JRA case manager may share all relevant information regarding the juvenile when DCFS is investigating or supervising the juvenile. RCW 13.50.050	JPC/JRA case manager may share information with schools when the school is assigned the responsibility of supervising the juvenile. RCW 13.50.050	JPC/JRA case manager may share information with the CASA with a few exceptions. RCW 13.34.105(3)	JPC and JRA case manager may share with each other when the other is investigating or supervising the juvenile. RCW 13.50.050.	JPC/JRA case manager may share information with law enforcement when law enforcement is investigating or pursuing a case involving the juvenile. RCW 13.50.050
Law Enforcement	Law enforcement may share information with DCFS when DCFS is investigating or has supervision of the juvenile. RCW 13.50.050 and 13.50.100	Upon the decision to arrest, law enforcement may release information to a school regarding the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest, law enforcement may release information to the maximum extent possible to assist schools in protecting students, staff and school property. Incident reports may be released unless under the investigation, prosecution or safety of witnesses is jeopardized. RCW 13.50.050 and 13.50.100	JPC/JRA case manager may share information with the CASA with a few exceptions. RCW 13.34.105(3)	JPC and JRA case manager may share with each other when the other is investigating or supervising the juvenile. RCW 13.50.050.	JPC/JRA case manager may share information with law enforcement when law enforcement is investigating or pursuing a case involving the juvenile. RCW 13.50.050

GIVERS OF INFORMATION

^{1 & 2} Exceptions are spelled out on page 9 of this Resource Guide.

Outline of Applicable Laws



Juvenile Justice or Care Agencies

Juvenile justice or care agencies are authorized to share information with each other when the other participant is investigating or pursuing a case involving the child/juvenile or is assigned the responsibility to supervise the child/juvenile. RCW 13.50.050(4) authorizes this sharing regarding records relating to juvenile offenses. RCW 13.50.100(3) authorizes the sharing of juvenile records not covered by RCW 13.50.050. Juvenile justice or care agency is defined as:

Police, diversion units, courts, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of family and children's ombudsman, the department of social and health services and its contracting agencies, schools; persons, public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415. RCW 13.50.010(1)(a).

Thus, the important thing to consider is whether you are a juvenile justice or care agency and whether the person or agency you are dealing with is also a juvenile justice or care agency. If both of you are, RCW 13.50 authorizes you to share certain information with the other participant when an investigation or case involving the juvenile in question is being pursued by that other participant or when that other participant is assigned the responsibility for supervising the juvenile.

It should be noted that, in addition to this statutory authorization to share information, information may also be shared when there is a valid written release or consent to share information signed by the appropriate person (youth and/or his/her parent) or when there is a valid court order directing the release of the information.

DCFS Social Worker

As a general rule, Division of Children and Family Services (DCFS) records and information are confidential and generally not subject to public disclosure. See RCW 13.50.100. DCFS may share relevant information about children in shelter care and dependency status if this information is needed by another participant in the juvenile justice or care system in order for that participant to carry out its responsibilities under law to the child.

When can the DCFS social worker share information and records with the child's juvenile probation counselor?

Under RCW 13.50.100, the DCFS social worker is authorized to share information and records with the JPC when the JPC is investigating or pursuing a case involving the juvenile or is assigned the responsibility for supervising the juvenile. The JPC may have all records retained or produced by DCFS that are needed to appropriately and adequately supervise the juvenile or investigate a case involving the juvenile. Thus, if there is a psychological evaluation of the youth in the DCFS file, DCFS may share that information with the JPC. The evaluation and any other information released to the JPC must be relevant to the JPC's case or investigation or necessary to supervise the juvenile. The JPC may not further release information disclosed by DCFS except as authorized by statute. RCW 13.50.100(5). The information remains confidential and may not be further disclosed unless the subsequent requestor is authorized to obtain the information.

When can the DCFS social worker share information with the JRA case manager?

JRA is another administration within the Department of Social and Health Services, as is the Children's Administration. DCFS is a division of the Children's Administration. Since both JRA and DCFS are part of the Department of Social and Health Services, they are sharing information within the same agency. This sharing of information is governed by RCW 13.50. The DCFS social worker is authorized to share information and records with the JRA case manager when JRA is assigned the responsibility for supervising the juvenile or when JRA is investigating or pursuing a case involving the juvenile.

When can the DCFS social worker share information with schools?

Under RCW 13.50.100, both agencies/entities (DCFS and the school) fall within the definition of a juvenile justice or care agency. As such, they may share information with each other when the entity/agency seeking the record is pursuing a case regarding the juvenile or is responsible for supervising the juvenile. The information sought must be necessary and relevant to the requestor's responsibility or the investigation.

The DCFS social worker may share information necessary for case planning with the school. RCW 26.44.030(7). The information must be relevant for education planning and help the school provide educational services to the child. The school may not release this information to anyone else, or release any other information, except as authorized by statute. RCW 13.50.100(5). The information remains confidential and cannot be further disclosed unless the subsequent requestor is authorized to obtain the information.

What information can the DCFS social worker share with other juvenile justice or care agencies?

To make sure the person or agency you are dealing with is authorized to receive information, check to make sure the agency is listed in RCW 13.50.010(1)(a) as a juvenile justice or care agency. See page 12 of this Guide for the definition of a juvenile justice or care agency. If the requestor is not a juvenile justice or care agency, then this statute does not apply and the information may not be shared without valid authorization. Information contained in the DCFS record may be shared with the other participant only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising that juvenile.

Once you have determined that the person requesting the information meets the requirements stated above, you then determine whether the information requested is necessary and relevant to the case being investigated or for supervising the juvenile. If so, all necessary and relevant information regarding the juvenile may be shared, even though DCFS was not the originating source of the document. RCW 13.50.100(3) permits the release of documents retained or produced by the agency. So long as the document is retained by DCFS, it may be shared with another participant, if needed by the other participant to carry



out its responsibility to the child. The other participant may not disclose the information provided by DCFS to anyone else except as authorized by statute. The information remains confidential and can only be disclosed if a subsequent requestor is authorized to obtain the information. RCW 13.50.100(5).

The identity of individuals making allegations of abuse or neglect may be kept confidential. RCW 13.50.100(7)(c). Also, attorney-client communications are not to be shared. Personal information about foster parents, social security numbers, residential phone numbers, and information about other children may not be disclosed.

When can the DCFS social worker share information/records with Dependency CASA volunteers?

In general, the DCFS social worker must release all information about the dependent child to the child's court appointed Dependency CASA volunteer. The exceptions to this general rule are when:

- i.** The information is likely to cause severe psychological or physical harm to the child or his/her parents;
- ii.** The information contains the names and identifying information of persons or organizations who have reported alleged abuse or neglect if they requested confidentiality; or
- iii.** The information is about counseling, psychological, psychiatric, and medical or substance abuse services that the child voluntarily sought and had the legal right to obtain these services on his or her own. For example, the DCFS social worker should not give CASA volunteers the mental health counseling records of a child age 13 or older without the child's written consent or a court order authorizing the release.

RCW 13.34.105(3). Additionally, personal information about foster parents, such as social security numbers and attorney-client communications, may not be released.



Juvenile Probation Counselors

Children who have committed juvenile offenses and who are found guilty or plead guilty or who receive a deferred disposition may be placed under community supervision. The assigned JPC is responsible for supervising the juvenile on community supervision and monitoring compliance with the disposition order.

When can the JPC share information with the DCFS social worker?

The release of records relating to the commission of juvenile offenses, including diversions, is governed by RCW 13.50.050. JPCs are authorized to release their records to the DCFS social workers when they are investigating or pursuing a case involving the juvenile or are assigned the responsibility for supervising the juvenile. Thus, if the social worker is investigating an allegation of child abuse perpetrated by the juvenile or the juvenile is the victim, the JPC is authorized to share records retained or produced by the JPC. Additionally, if the child is “dependent,” or if the family is receiving CPS services, the JPC may share information with the DCFS social worker who is assigned the responsibility of supervising the juvenile if the social worker needs this information to carry out his/her responsibilities and for case planning purposes. See RCW 13.50.050 and RCW 26.44.030(7).

What information can the JPC share with the DCFS social worker?

The JPC may share all necessary and relevant information retained or produced by the JPC, including psychological assessments/evaluations.

When can the JPC share information with Dependency CASA volunteers?

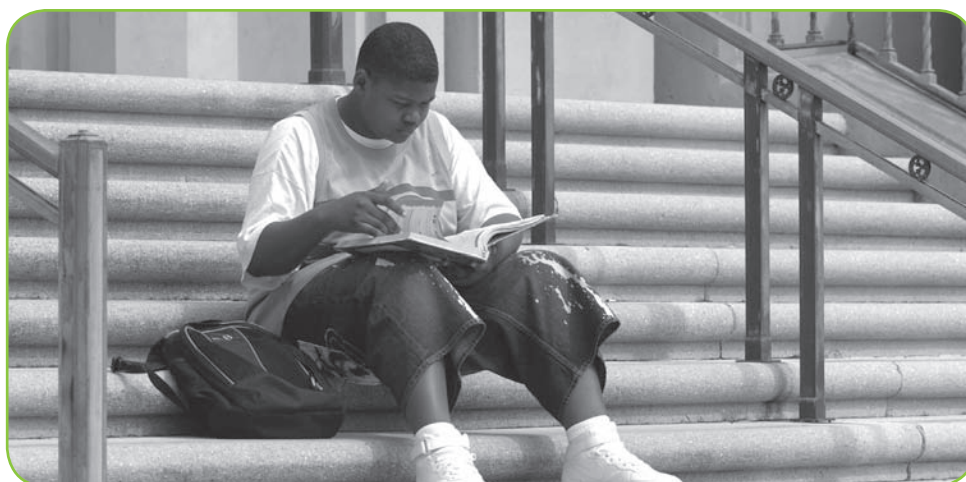
In general, the child's CASA is entitled to all information available to the state, and the JPC must share information and records with the child's CASA without the consent of the parent or child, with the following exceptions:

- i. Information likely to cause severe psychological or physical harm to the child or his/her parents;
- ii. Information containing the names and identifying information of persons or organizations who have reported alleged abuse or neglect if they have requested confidentiality; or
- iii. Information about counseling, psychological, psychiatric, and medical or substance abuse services that the child voluntarily sought and had the legal right to obtain these services on his or her own. For example, the JPC should not give CASA volunteers the mental health counseling records of a child age 13 or older without the child's written consent or a court order authorizing the release.

See RCW 13.34.105(3).

When can the JPC share information with the schools?

The juvenile's JPC may share information with the juvenile's school when the school is investigating or pursuing a case involving the juvenile or is assigned the responsibility for supervising the juvenile. RCW 13.50.050.



Juvenile Rehabilitation Administration

The court may commit a youth adjudicated for an offense to the custody of JRA under RCW 13.40.185. These youth generally have committed a serious offense or have a history of multiple offenses. Youth are sentenced per RCW 13.40.0357. As youth move through JRA's continuum of care, the JRA parole case manager provides parole aftercare services. JRA staff must refer to its own policy manuals when determining whether to release records.

When can the JRA Case Manager share information with the DCFS Social Worker?

As stated earlier, the release of information is governed by RCW 13.50.050 and RCW 13.50.100. JRA Case Managers will share information with the DCFS Social Worker when DCFS is investigating or pursuing a case involving the juvenile or is assigned the responsibility for supervising the juvenile. For example, if the child is "dependent," the JRA Parole Case Manager will share information that is needed by DCFS to fulfill its responsibilities to the juvenile. RCW 13.50.100

The JRA Case Manager will also release JRA records as necessary to complete reports of abuse or neglect or alleged new crimes. RCW 26.44.050.

JRA will also release records upon receipt of a valid court order or written authorization executed by the appropriate person on DSHS forms that are HIPAA compliant.

What information can the JRA Parole Case Manager share with the DCFS Social Worker?

The JRA Case Manager will share all necessary and relevant records retained or produced by JRA that are necessary for DCFS to carry out its responsibilities to the juvenile. RCW 13.50.050(4) and RCW 13.50.100(3). The release of records is limited to records that will assist DCFS in carrying out its responsibilities to the juvenile. RCW 13.50.100(5)(b).



Dependency CASA Volunteers

When can Dependency Court Appointed Special Advocates (CASA) Volunteers share information?

Dependency CASA volunteers and Guardians ad Litem (GALs) may disclose information to participants in the juvenile justice or care system per RCW 13.50.100 (that is, when the participant is pursuing a case or investigation regarding that juvenile or is assigned the supervision of that juvenile). RCW 13.34.105(5).

Law Enforcement

When may law enforcement share information and records with other participants in the juvenile justice system or a juvenile care agency?

Law enforcement may release records retained by it to other juvenile justice or care agencies as defined by RCW 13.50.010(1)(a) when an investigation or case involving the juvenile is being pursued by the other agency or when the other agency is assigned the responsibility of supervising the juvenile. RCW 13.50.050.

When may law enforcement share information with schools?

Law enforcement may cooperate with schools in releasing information to the school regarding the investigation, diversion and prosecution of a juvenile attending the school. Upon the decision to arrest, incident reports may be released to the school unless the investigation or prosecution would be jeopardized or witnesses endangered. If so, law enforcement may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property. RCW 13.50.050(7).

School Staff and Educators

The Family Education Rights and Privacy Act (FERPA) is a federal law that assures confidentiality of, and parental access to, education records. In general, FERPA prohibits the disclosure or release of personally identifiable information from a student's education records unless the student's biological parent consents in writing or the release is specifically authorized by FERPA. There are several important circumstances, however, under which schools can share information with agencies serving and supervising youth.

Education Records are defined as records that are directly related to a student and maintained by an educational agency. School staff can share directory information without parent consent, such as name, date of birth, attendance. School staff and educators are allowed to discuss with others their personal observations about a child. These personal observations are not considered education records under FERPA.

Keep in mind that limits on a schools' power to release education records to others should not prevent a child from enrolling in school or obtaining educational services.

When can school staff and educators share education records with the child's DCFS social worker?

Schools must share information with the child's DCFS social worker when DCFS has the responsibility for supervising the child or is engaged in an investigation regarding the child. Schools are to share all records regarding the child that are needed by DCFS to fulfill its statutory responsibilities to the child and to investigate a case involving the child. These responsibilities include the supervision and placement of the child. RCW 13.50.100(3). Schools must also share information directly related to reports of abuse or neglect with DCFS for case planning and consultation purposes if the Department determines it is in the child's best interests. RCW 26.44.030(7).

School staff and educators can disclose records in order to comply with a court order or lawfully issued subpoena. If responding to a subpoena, the school must make reasonable efforts to notify the parent of the student before releasing the records. School staff should check with their districts regarding possible exceptions to this rule. 20 U.S.C. § 1232g(b)(1)(J)(ii); 34 CFR § 99.31(a)(9).

After dependency is established, under RCW 28A.150.510, school staff and educators must release education records to the DCFS social worker as long as the DCFS social worker certifies that the information will not be disclosed to anyone else without parental consent unless authorized by state law. Keep in mind that state law does permit the DCFS social worker to share educational information needed for case management purposes to licensed and relative caregivers. RCW 28A.150.510. RCW 74.13.280. WAC 388-25-0090.

When can school staff and educators share information and education records with Dependency CASA volunteers?

When a Dependency CASA volunteer presents to the school the court order appointing him/her to the child's case, school staff must allow inspection or copying of all education records to a Dependency CASA without the consent of the parent or of the child, except for the following types of information:

- i. Information is likely to cause severe psychological or physical harm to the child or his/her parents;
- ii. The names and identifying information of persons or organizations who have reported alleged abuse or neglect if they have requested confidentiality; or
- iii. Information about counseling, psychological, psychiatric, and medical or substance abuse services that the child voluntarily sought and had the legal right to obtain these services on his or her own. For example, school staff should not give CASA volunteers the mental health counseling records of a child age 13 or older without the child's written consent or a court order authorizing the release.

RCW 13.34.105(3), RCW 13.50.100.

When can schools share with JPCs?

In order to serve the juvenile while in detention or to prepare for any post conviction services, schools shall make all student records and information necessary for risk assessment, security classification, and placement available to court personnel and the Department within three days of the request.

The request is made by subpoena if the juvenile does not have any prior convictions and is made upon the juvenile's conviction. If the juvenile has one or more prior convictions, the request for records is made by the prosecutor or JPC, not more than 10 days following the juvenile's arrest or detention and prior to trial. It appears, based on the statute, that this request is also made by subpoena. RCW 13.40.480.

Additionally, if the JPC is pursuing an investigation or case regarding the juvenile or is assigned the responsibility of supervising the juvenile, schools may share relevant and necessary information with the JPC. RCW 13.50.100(3).



Resources



Office of the Superintendent of Public Instruction

www.k12.wa.us

DSHS Resource Family Training Institute

www1.dshs.wa.gov/ca/fosterparents/training.asp

DSHS Children's Administration

www1.dshs.wa.gov/ca/general/index.asp

DSHS JRA

www1.dshs.wa.gov/jra



DSHS Forms

www1.dshs.wa.gov/msa/forms/eforms.html

(the Request for Records form is number 17-041)

WA State CASA

www.washingtonstatecasa.org

Foster Parent Association of Washington

www.fpaws.org

TeamChild

www.teamchild.org



Casey Family Programs

www.casey.org

UW Child Advocacy Clinic: Child Advocacy Central

www.fycentral.org

Information Sharing, A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs.

Bussiere, A., English, A., Teare, C., National Center for Youth Law & The ABA Center on Children and the Law, 1997.

www.ed.gov/policy/gen/guid/fpco/pdf/sharinginfo.pdf



Conclusion

The laws and rules on information sharing aim to strike a balance between protecting the privacy and legal rights of individuals and families and allowing professionals and agencies working with children and families to share information essential to help children. Your ability to share information for purposes of case and service planning depends on your role in the child's life. Even if you have the authority to share information, many situations require you to use good judgment about what information you should share, how and when to share it, and with whom. Regularly consult the law and your supervisor to make sure that you follow these guiding principles for information sharing:

Respect for children and families
Stability and continuity in the child's life
Prompt delivery of meaningful services
Success for all children



King County Systems Integration Initiative

A collaboration in Washington State whose ultimate goal is to improve outcomes for children and youth receiving services of the child welfare system and juvenile justice systems.

Washington State Attorney General's Office

The Defender Association

King County Prosecuting Attorney's Office

Washington State Department of Social and Health Services, Division of Children and Family Services

Washington State Department of Social and Health Services, Juvenile Rehabilitation Administration

King County Superior Court—Juvenile Probation Services

Casey Family Programs



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