



Confidentiality and Information Sharing Practice Guide

QPI Principle:

Foster parents are given the resources to meet the immediate needs of children and their families while providing opportunities for them to thrive long term.

Louisiana foster parents, stakeholders, and DCFS staff formulated the above as one of the core principles in supporting quality parenting for children served in the foster care system. One of the core components included in resources for foster parents is ensuring that foster parents have the information necessary to enable them and support them in providing quality care for the children in their home. Additionally, sharing information with foster parents is critical to making them a partner in the child's case. The issue of confidentiality vs. what information about a child or his family can be shared has often presented challenges and confusion for staff and foster parents.

LA R.S. 46:56 provides for the protection of and circumstances for release of information contained in child welfare case records. The protection of and confidentiality of information related to children and families we serve is fundamental in quality child welfare practice and equally critical is equipping those who are providing care to children with the resources they need to provide quality care. These resources include the provision of accurate, necessary, and sufficient information to a foster parent to properly care for a specific child. Having information better enables foster parents to meet the needs of children in their home and the process of sharing and discussing information between caseworkers, foster parents, and biological parents supports development of a trusting and healthy relationship.

LA R.S. 46:56 is clear that the "department may provide foster parents **all** information from the department's records and from other records to which the department has access concerning a child in the foster home, and concerning the child's family, where such information **is necessary** for the foster parents to properly care for the child." While this law has been in effect for several years, there is some confusion and/or misinterpretation of what information can be provided to foster parents. Front line staff should demonstrate good child welfare practice by assessing the need for the release of specific information in conjunction with the foster parent's ability to better meet the needs of the child. Supervisors should routinely discuss information gathered or contained in a case and the potential for that information to better enable or allow the foster parent to provide proper care. This could include enabling the foster parent to better answer a child's questions, modifying their parenting intervention/style, or level of supervision needed for a child, or in providing emotional support or guidance to a child or his family. It is equally important that upon receipt of information about a child or his family, foster parents are advised of the need to maintain confidentiality of the information shared with them, as neither the law nor good practice, support unwarranted disclosure of personal information. Foster parents may

disclose otherwise confidential information about a child when necessary to obtain services for the child.

There is some information that staff cannot release or share including but not limited to: identities of reporters of abuse or neglect or criminal background clearances on parents.

During the initial implementation meetings of QPI, circumstances and practices were identified which indicated confusion or inaccuracy about current law and policy related to sharing of information and confidentiality. The following are examples of some of the most common myths related to information sharing and the actual law and policy related to each.

Common myths:

- Foster parents cannot receive details about the child's abuse/neglect history
Answer– Foster parents may and should receive any and all information regarding the child that would support the foster parent's ability to properly parent the child. Workers and Supervisors should routinely discuss the information contained in the departments files and if its disclosure would aid or assist the foster parent in providing proper and quality care to the child. Policy clarification regarding the authority and criteria for release of information is provided in 1 – 505 A .
- Workers cannot disclose information to the foster parent about the child's parents substance abuse
Answer– LA law allows for the sharing of all information concerning the child's family where such information is necessary for the proper care of the child. Again, the worker and supervisor should discuss the information available in agency files and the extent and degree of information "necessary" and relevant to enable the foster parent to properly care for the child. This should be discussed in terms of circumstances and situations which could arise such as: the foster parent's ability to provide supervision of family visits, the foster parent's ability to honestly and openly answer a child's questions or support the steps or actions in a case plan, etc... These are not exclusive circumstances but examples of when information about a parent's medical or behavioral history would enable the foster parent to provide proper and quality care.
- Staff are prohibited from disclosing sexual abuse history of child
Answer- The law provides for the department to release to foster parents: "all information from the department's records concerning a child in the foster home where necessary to provide proper parenting." The law further allows for release of information not only from the departments records but "from other records to which the department has access concerning a child", again when necessary for the foster parents to properly care for the child. As sexual abuse information is very personal and traumatic, it is critical that supervisors ensure each worker understands the sensitivity of this information and is able to discuss the need for confidentiality of such information with the foster parent.
- A parent's physical or mental health information cannot ever be disclosed to a foster parent.
Answer – This area may seem more protected than others, however, if staff are utilizing good practice standards in assessing the information, its' relevance and necessity to enable the foster parent to provide the proper care a child deserves, and are able to present it in a non-judgmental and objective informative manner, then it becomes easier to determine if the information should be disclosed. For example, if a parent has a mental health condition which includes volatile and explosive behaviors, that information may assist the foster parent in answering a child's questions

about their parents' behavior, about guiding the foster parents discipline styles, etc... Another example may be related to the positive HIV status of a birth parent. This may be relevant if there are any safety precautions that may be needed during visits monitored by a foster parent, or if there are circumstances which have been identified that warrant the sharing of this information to ensure appropriate safety precautions and care of the child. Again, the relevance of sharing specific information to the foster parents care of the child should be discussed between the worker and supervisor and the worker having clarity regarding conveying the expectation that the information should be maintained as confidential by the foster parent.

Benefits of Sharing Information With Foster Parents/Caregivers

- Improves opportunity for foster parents to provide quality care
- Supports trusting and meaningful relationships between biological family, foster parents and caseworkers
- Supports common goal and helps solidify focus on child
- Supports stability for children in the caregiver's home
- Assists in avoiding utilization of unsuccessful parenting strategies, repeat testing or exams, and re-traumatization of the child

It is also important to note that foster parents must be able to provide the appropriate level of information as needed for normal childhood activities and to meet the various needs of children in their care. Professionals providing care or services or otherwise engaged in meeting the needs of a child such as teachers, physicians, therapists, etc ...should be provided the information necessary to provide proper care. It is important that when determining what information should be shared, **it is strictly limited to only that information that is appropriate and necessary to meet the needs of the child or to provide proper care.** It is important that foster parents and other professionals be advised that the law then restricts the further sharing of this information to others, again based on the same standard - appropriateness and necessity to meet the needs or provide proper care of the child. Furthermore they should be advised that criminal penalties exist for the inappropriate release of protected information.

In summary, the Department sets the standard and expectation of sharing of information with a foster parent when such information is relevant and necessary for the foster parent to provide the proper care for a child in their home. Staff should exercise quality practice in consultations between front line staff and supervisors to assure appropriate information is shared timely to support the standard that all children deserve quality care regardless of where they live.