

C O N S E N T S

**Summary of
Division of Family Services -Public School Districts**

MEMORANDUM OF UNDERSTANDING

**Department of Services
for Children, Youth and Their Families**

AUTHORIZATION OF RELEASE OF INFORMATION

HIPAA

Summary of
Division of Family Services - Public School Districts

MEMORANDUM OF UNDERSTANDING

Reporting

Delaware law requires that any person who knows or reasonably suspects child abuse or neglect shall make an oral report to:

THE CHILD ABUSE REPORT LINE 1-800-292.9582 (24 hours per DAY)

A written report is required, using the Mandatory Reporting Form, to be filed within 72 hours after making the oral report.

Who Reports?

Reports should be made by the actual reporting person. The oral report takes an average of 20 minutes and will require demographic information on the child and family as well as specifics related to the incident. If necessary, a school designee may be assigned to make the oral report, but the actual reporting person must complete the written report and may be directly contacted by the Division of Family Services (DFS) to provide additional first-hand information.

Responding to a Report

- DFS will notify the school within 24 hours if the report will be investigated or not.
- The DFS caseworker attempts to contact the school reporter to discuss the case and related information and to determine if parents will be notified and by whom. The source of the report will be divulged only with the reporter's consent. The criminal proceedings, disclosure of the reporting source may be necessary for court purposes.
- The DFS caseworker decides if the investigation will be initiated at the school. If so, the school reporter will inform the caseworker who the contact person will be upon arrival at the school.
- Upon arriving, the caseworker will show identification and ask to speak with the contact person. The contact person will arrange for an interview location and make the child available.
- If it is necessary to observe physical injuries, the school nurse may be asked to assist. If injuries are severe, DFS may request police to participate in the investigation at the school site. Under no circumstances should the school or DFS conduct a physical examination of alleged sexual abuse or rape. DFS and the police will arrange for a medical examination in these cases with the appropriate medical facility.
- Upon conclusion of the interview and examination, DFS will inform the contact person about the planned course of action for the child.
- DFS is not authorized to transport students. If this becomes necessary, the school or the police will be asked to assist.
- At the conclusion of the family investigation, DFS will send written notice to the reporter that the investigation is completed.

Reports from other sources may need to be investigated in the school setting. The DFS caseworker will request assistance from the school contact person and may request assistance from the school nurse. No examination will be done by school personnel prior to DFS response.

Sharing information is encouraged and requires a Delaware Consent to Release Information Form which can be solicited by either agency and shared by FAX.

If a case is open and the worker is unknown, the school may contact the DFS Report Line and request that the assigned caseworker contact them to share information about the case.

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

DIVISION OF FAMILY SERVICES

AUTHORIZATION FOR RELEASE OF INFORMATION

CLIENT _____ DATE OF BIRTH _____

I, _____ hereby authorize

To Release Information TO: _____

To Obtain Information FROM: _____

The type of information to be disclosed is:

The purpose of this information disclosure is:

This authorization is valid until:

_____ Six months from the date of signature

_____ The following date _____

This consent may be revoked at any time, except to the extent that action has been taken in reliance on it. The person completing this form has a right to receive a copy. This form is invalid unless all sections are completed.

Client Signature (if applicable) Print Name Date

Parent, Guardian, Custodian (Circle One) Print Name Date

DFS Worker Print Name Date

I understand that my alcohol and/or drug treatment records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, and the Health Insurance Portability and Accountability Act of 1996 {"HIPAA"}, 45 C.F.R. Pts. 160 & 164 and cannot be disclosed without my written consent unless otherwise provided for in the regulations.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

(HIPAA)

Effective April 14, 2003, Congress passed the Health Insurance Portability and Accountability Act (HIPAA). HIPAA provides privacy protections to every citizen of the United States, including foster parents and foster children. According to HIPAA, medical information must be strictly maintained as confidential except under certain circumstances. For example, foster parents are still able to disclose medical information to doctors and dentists when they are taking their foster children for medical appointments. Similarly, medical information may also be shared with social workers, CASA's and Child Advocates. Medical information should only be shared with the school on a need to know basis. For example, the school needs to know if the child is on asthma medication or has been diagnosed with ADD. However, the school does not need to know if the child wets the bed.

It has always been the Division's policy that foster parents must maintain the highest level of confidentiality as it relates to the child's medical conditions, the circumstances surrounding their foster placement, and all other personal information. This includes information about the child's biological family as well. A child's personal information should never be shared with friends, neighbors, co-workers, extended family, etc..

HIPAA has not changed federal laws concerning the disclosure of substance abuse information or information concerning sexually transmitted diseases, HIV status or pregnancy. According to 42 CFR, substance abuse information for youth over the age of 14 may never be disclosed without the youth's written consent. This even includes dirty urine screens and the youth's status in substance abuse treatment. Youth over the age of 12 must give written consent before any information is disclosed regarding sexually transmitted diseases, HIV status, or pregnancy.

For the first time, Congress has attached possible legal and financial sanctions if medical information is shared erroneously or vindictively. Possible sanctions include civil fines ranging from \$100 to \$250,000 and up to 10 years imprisonment.

If you have any questions about HIPAA or 42 CFR, please contact the Division's Privacy Officer, JoAnn Bruch at 6332690.