



# UNDERSTANDING THE REGULATIONS:

## *What Alaskan Foster Parents Need to Know*

### *#9 Confidentiality*

1.0 Training Credit



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# **UNDERSTANDING THE REGULATIONS: What Alaskan Foster Parents Need to Know**

## **CONFIDENTIALITY 7 AAC 50.130**

*This series was compiled with help from the State of Alaska Office of Children's Services to help foster parents understand the foster care regulations. This series is a guide to the regulations, but is not a substitute. In all discrepancies between the information in this series and the regulations, the regulations are the final authority. Contact your licensing worker for a complete copy of the regulations.*

## **FOSTER PARENT COMPETENCIES**

This self-study module addresses part or all of the following Child Welfare League of America Competencies for Foster Caregivers:

**905-1** *The foster caregiver knows the state's/province's licensing rules and the mandates and expectations of foster families to remain licensed.*

**910-6** *The foster caregiver understands the child's and primary family's rights and knows how to implement agency procedures regarding confidentiality.*

**920-1** *The foster caregiver understands the legal issues that affect child welfare and foster care practice, and can apply this information to foster caregiving. This includes confidentiality, liability, reasonable efforts, reunification, and other statutory and regulatory requirements.*

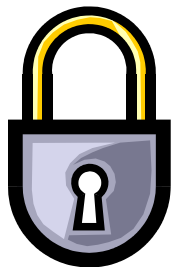
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### ***What Is Confidentiality?***

Confidentiality refers to not sharing information you have about the children in your care unless you are legally bound to do so or if you need to share it to ensure the best care for the child.

### ***Why Are Foster Parents Required To Respect Confidentiality?***

Office of Children’s Services is responsible for maintaining confidentiality of all information concerning the people it serves. This is demanded by both state and federal laws and is written into OCS policy. Because OCS has access to very personal information about families and is given strong powers to intervene to protect children, it also has a obligation to take strict care with this information. This obligation extends to you as a foster parent. The placement worker will be sharing all necessary information with you about the child that enables you to care for the child. You are expected to respect the privacy of the child and the child’s family by keeping this information confidential.



### **What Does Alaska Law Say About Confidentiality?**

[AS 47.10.093(b)] “A state or municipal agency or employee shall disclose appropriate information regarding a case to foster parent or relative with whom the child is placed by the department as may be necessary to enable the foster parents or relative to provide appropriate care for the child who is the subject of the case, to protect the safety of the child who is the subject of the case, and to protect the safety and property of family members and visitors of the foster parents or relatives.”

[AS 47.10.080 (q)] OCS is required to “provide the foster parent with a copy of all initial, updated, and revised case service plans for the child, court orders relating to the child, and the child’s medical, mental and education reports prepared by or for the department including report compiled before the children was placed with the foster parents.”

## ***What Does It Mean To Respect Confidentiality?***

You may only share pertinent information about children in your care with other individuals when necessary for the provision of care, treatment or supervision of the child. You should be careful not to share background information about child abuse/neglect or the child's family with your relatives, friends or neighbors. That means when your sister wants to know the reason why a child in your home is in foster care, you should not reveal details about the child's family, history of abuse or current state of his family. You should not identify a child as a foster child whenever possible.

Confidentiality is especially important when you live in a small community. Many times, people will have a general idea (and often the wrong idea) of why a child is in your home. Neighbors might know the parents of the child you are fostering. Family members may want more information and sometimes "gossip" from you. It is very important that you answer these questions with "I'm sorry. As a foster parent I'm not allowed to talk about that." Or refuse to answer such questions. You should not let photographs of your foster child be taken and used in any way for publicity, news, promotion, or any other public venue without the expressed permission of the social worker and the birth parent.

If you need to talk to the police about your foster child (or if the police contact you), give them information only about the immediate situation. Let the officer know this child is in state's custody and give him the name and phone number of the social worker to contact for further information.

## ***Does My Social Worker Operate Under The Same Confidentiality Laws I Do?***

Caseworkers must follow the same rules of confidentiality that you do, as well as additional requirements. Caseworkers cannot share information about the families they work with nor share any information about drug or alcohol use or names, addresses and personal information about their clients. Caseworkers cannot share with a foster parent specific information about a parent's drug or alcohol treatment or history. Caseworkers cannot share this information without expressed permission from the birth parent. GALs or Guardians Ad Litem also function under similar rules of confidentiality. The Guardian Ad Litem is the court appointed person who is to investigate and prepare a report for the court as to what would be in the best interests of the child. The GAL may talk to you about the child and you may share whatever information he or she asks for.



## **What Do Foster Care Regulations Say About Confidentiality?**

[7 AAC 50.130] "A foster home shall maintain confidentiality of information about a child and the child's family... A foster home may not disclose information, including photographs concerning a child in state custody if disclosure is inconsistent with the child's plan of care or treatment plan."



## *What Can I Share?*

- Information about a child with the caseworker or in a court hearing.
- Information about background and daily behaviors with the child's counselor.
- Information about daily behaviors with the Guardian Ad Litem or during a court hearing.
- Basic information about the child's behavior and medical condition with a substitute caregiver that would help in caring for the child.



## *What Shouldn't You Share?*

- You should not identify a child as a foster child whenever possible.
- You should not share any background information, family history, or information about parents with any extended family member, relative, neighbors or friends, or acquaintance who ask.
- You should not allow photographs or videos, or media interviews to take place with the child without the permission of the caseworker and the birth parent or guardian.

## What Are Other Ways I Can Make Sure I Am Respecting Confidentiality?

- Protect records so that they cannot be seen by anyone who is not involved in directly with the child. Keep your records and notes in a safe private place.
- Avoid discussing sensitive information in public areas, or in front of people, receptionists or extended family members or on the telephone in front others.
- Take care in leaving messages on answering machines that are often accessible to many people. Avoid leaving the names of the children on answering machines shared by several people. Leave your name and number and say it is in regard to the children in your care. Use cell phones and Internet access with great care to keep information as secure as possible.
- If seeking help about your child or sharing a story in a foster parent group, do not use the child's name or identifying information about the family or the child's background.



### ***HIV Status***

If a child is known to have HIV, the virus that causes AIDs, the caseworker should share that information with you so that you can provide the respective care the child needs. You as a foster parent should also have access to

any medical records or history that is known regarding the child. It is good practice to use Universal Precautions with all foster children in your care and require your babysitters to do so regardless of a child's HIV status. A foster parent is not allowed to have a child tested for HIV/AIDS Infection without prior approval by the placement worker. (For more information, please contact AFPTC and request our **Information Packet** "*Protecting Yourself from HIV*".)

### ***Court Hearings***

Foster parents should be notified of court hearings and have the opportunity to speak. However, foster parents are not considered parties to the case. This means that foster parents do not have a right to be present at the other parts of the hearing addressing information about the birth parents. You may be asked to leave after presenting your concerns and information about the child.

## ***Reporting Child Abuse And Neglect***

Under the State of Alaska reporting statutes [AS 47.17], certain persons are required to report suspected abuse and neglect. These mandated reporters include foster parents under the category of child care providers. If in the performance of your duties of a foster parent you have reasonable cause to suspect a child has suffered harm as a result of child abuse or neglect, you should report the suspect harm immediately. It is not the intent of the reporting mandate that person investigates suspected child abuse or neglect before they make the required report. When you make a report, contact the social worker working with the child. (In Anchorage, call the Intake Unit to make any report of harm to a child.)

This information may come to you directly from the child in your home. It is important to encourage the child to see you as someone that they can trust, but to also let them know that there are some things you cannot keep secret. A child may want to tell you something on the condition you keep it secret. It is better to be up front with your obligation to report abuse or neglect. If a child says, "then I'm not going to tell you," you can say, "I'm sorry you don't want to tell me now, but I want you to know that I care about you. If you want to talk about it later, I will be here to listen."

## ***Foster Home Licensing Records***

Foster home licensing records, like child care licenses, are considered public records and are available for public review. Your foster home record (with some exceptions) maintained at OCS may be reviewed from someone from the community. Before these records can be reviewed, a OCS worker will review the record and black out any information about the children in your home and remove personal information from your file, including FBI and public safety background check results.

## ***Drug And Alcohol Records***

Because of federal laws, a caseworker cannot share information with you about the birth parents current or past drug or alcohol treatment. Neither can drug or alcohol treatment centers say whether or not someone is in treatment and what kind of treatment they are receiving unless they have written consent by the person in treatment. This is often why so much information about the birth parent may be kept confidential from you. A caseworker may share with you that there is suspicion or substance abuse in the family or that the child was put into care because of danger resulting from drug or alcohol use. But the caseworker cannot share specifics about what kind of treatment or where the parent is receiving this treatment. During a child's stay with you, you may find out this information (such as if you need to take the child to a specific drug treatment center for a visit with a parents). This information is considered confidential and should not be shared with other.