

UNDERSTANDING THE REGULATIONS:
What Alaskan Foster Parents Need to Know
TOPIC: #9 Confidentiality

Confidentiality 7 AAC 60.160
(7 AAC 54.020-7 AAC 54.150; 7 AAC 54.300- 7 AAC 54.390, 7 AAC 67.140)

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.

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?

The 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 an 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 Information Can OCS Share With Foster Parents At Placement?

According the regulations, before OCS places a child in your home on a *nonemergency basis*, OCS can share the following information with you. (please note, in an *emergency* this information may not be known at the time of placement.)

- Information regarding the conditions related to the care of the child and the rate paid for care
- The reason for and expected duration of placement
- Information about the child’s medical history including medications, known allergies, contact information for the child’s primary health care providers, information about physical, behavior or



What Do Foster Care Regulations Say About Confidentiality?

[7 AAC 67.160 (f)] “A foster home caring for a child in state custody shall comply with the requirements regarding confidentiality and disclosure of child protection records in 7 AAC 54.”

In a nutshell: A foster home may receive information about the child in order to provide care for that child but cannot disclose information about a foster youth that is inconsistent with the child’s plan of care. When in doubt, always consult your child’s caseworker and/or GAL before disclosing any information.

medical needs needing special attention, medical appointments and treatment, and procedures to follow in case of a behavioral or medical emergency

- The child’s educational needs including special education services, where the child attends school, procedures for getting school records and procedures for providing transportation to child’s school
- Any delinquent activity of the child, and the name and telephone number of a juvenile probation offices if one is assigned
- Any known safety concerns with or for the child
- Any known visitation schedules between the child’s parents and sibling
- Other information as necessary to for you to provide appropriate care for the child, to protect the safety of the child, and to protect the safety and property of your household

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 the child, circumstances around the reason of placement, history of abuse/neglect, or information about 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 caseworker 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 caseworker to contact for further information.

What Can You 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 including in social media.
- 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.

Does My Caseworker Operate Under The Same Confidentiality Laws I Do?

Yes, 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. Guardians Ad Litem or GALs 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 they ask for.

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 and locked 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.
- Be very careful with posting photographs or stories on social media. You are not allowed to identify a child as a foster child nor can you give the child's name. But you may choose to be even more discrete, since people may already know you are a foster parent and will know these are probably your foster children. Be careful with names, or photographs showing locations familiar to folks. Whatever is shared on social media can be shared with others and often photos have embedded identifying tags.



SPECIAL CONSIDERATIONS



HIV Status

If a child is known to have HIV, 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. A foster parent does not have the right to have information about a birth parent's health status.

Court Hearings Foster parents should be notified of court hearings and have the opportunity to speak. 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 if there are matters concerning the birth parent that will be presented.

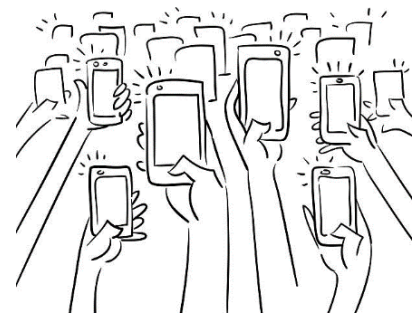
Reporting Child Abuse And Neglect Under the State of Alaska reporting statutes [AS 47.17], certain persons are required to report suspected abuse and neglect. These mandated reporters include foster parents under the category of child care providers. If in the performance of your duties of a foster parent you have reasonable cause to suspect a child has suffered harm as a result of child abuse or neglect, you should report the suspected 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 Statewide Intake Unit at 1-800-478-4444. If you suspect child sexual abuse has occurred, you should also contact your local law enforcement as part of your reporting obligation.

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 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 supervisor will consider the request and if needed consult other supervisors or the Assistant Attorney General’s Office. If the file is going to be released, a licensing 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. 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 of 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 others.

Social Media Foster parents should use extra caution while posting on and commenting in venues such as Facebook, Instagram, or other social media sites, even if their account is set to “Private” or friends only. Regulations state that foster parents may not disclose information, including photographs, or videos concerning a child in state custody if disclosure identifies the child. You cannot share information that releases the identity of the child or post information that identifies the child as a child in foster care. This includes posting identifying information in foster and adoptive parent social media groups. Be careful about accidental disclosure of identifying information.



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