



POLICY: CONFIDENTIALITY

POLICY STATEMENT: The CASA of L & C and B Counties staff and volunteers shall adhere to the following guidelines with respect to maintaining confidentiality and respecting the privacy of others in all matters relating to an assigned case. The guidelines are set out below. They govern circumstances in which the CASA requests or receives information. However, these guidelines cannot cover every possible situation which may arise. Any questions and/or concerns the CASA staff or volunteer has regarding confidentiality or the application of this policy should be discussed with the CASA Program Director. These will be resolved on a case by case basis.

POLICY GUIDELINES:

1. Cases involving parties who are known to the CASA Program as being HIV positive, having AIDS and/or having other Sexually Transmitted Diseases (STDs) are governed by an additional confidentiality protocol to which the staff and volunteer must adhere. If, after accepting a case, the CASA learns it involves a STD, the CASA should immediately contact the Program Director to obtain the protocol.
2. In requesting information in the course of assessment of a case, a CASA may need to obtain information from doctors, psychiatrists, psychologists, social workers, attorneys, clergy, teachers, or other professionals who have a protected relationship status with a party or the child. Your Appointment Order from the Court should cover most cases. By statute, there are limitations on the disclosure of information a professional receives during the course of his/her relationship with a client or patient. Many professions also have ethical principles which govern their ability to disclose information (for example, attorneys are bound by Rules of Professional Conduct; doctors, social workers and others also have ethical codes). The professional has no authority to provide any information to a CASA without the express permission of the client or a court order.

If it is necessary to obtain any privileged/confidential information about someone who is directly related to the case but is not the child/ren, the CASA must obtain from the person a written release of information which allows the professional, hospital or treatment center to discuss the matter with the CASA.

While a person may sign a release allowing the CASA to obtain confidential information, he/she may not want to authorize disclosure to the other parties to the case and/or their attorneys. The CASA should review the signed release form very carefully and seek guidance from the Program Director if the CASA has any questions at all.

3. The CASA is not allowed to disseminate documents to any of the parties, their attorneys, and/or collateral sources which are covered by state and/or federal confidentiality laws. These documents may include drug and alcohol evaluations/records; involuntary mental health treatment and rape crisis center information; and some criminal histories. Those covered by federal law usually are stamped, "This information is protected by Federal Law and prohibits you from making any further disclosure. A general authorization for the release of medical or other information is NOT sufficient for this purpose."

4. The CASA SHALL NEVER DISCUSS an assigned case for purely conversational purposes, particularly in specific terms, with anyone. Discussions of case related information are not to be held in hallways, elevators or other public places.
5. The CASA should not promise a child or any party to the assigned case that his/her statements will be kept secret or confidential.
6. The CASA MUST DISCLOSE confidential information learned during the course of assessing a case in three circumstances:
 - a. When consulting with the CASA Mentor or Peer Coordinator, Program Director, or child's attorney who must be provided all significant case specifics known to the CASA;
 - b. When ordered by the court in a hearing or trial;
 - c. When the CASA thinks that there is reasonable cause to believe that a child has suffered physical and/or sexual abuse.
7. A CASA MAY DISCLOSE confidential information and discuss case specifics in two circumstances:
 - a. When the CASA consults with a professional service provider (medical personnel, mental health specialist, social worker, etc.) who is providing services to the child/ren who has agreed to the professional's disclosure or because their client signed a release of information form.
 - b. When the petitioner and respondent agree or when the court orders the disclosure.
8. The CASA MAY DISCUSS a case in hypothetical terms for purposes of illustration at professional meetings (seminars) designed to address issues promoting the best interests of children. The CASA shall not, however, mention the names of any individuals involved in the case or provide facts which may identify the case or parties.
9. Staff and volunteers must respect children's and families' rights to privacy in regard to personal information.
10. Any confidential materials received from another individual or agency may not be disclosed to anyone outside the CASA of L & C and B Counties program's professional staff, except by court order or written consent of the party involved. All other communications with persons such as teachers, therapists, health aides, doctors, public health nurses, mental health workers, foster parents, etc., can occur only if the CASA receives information from these individuals and does not disseminate confidential information about the case directly to them.
11. Reports prepared by CASA of L & C and B Counties staff and volunteers will be disseminated by the local CASA Program office only to the representatives of the legal parties on the case (Judge, county attorney, child's attorney, parent's attorneys, CPS), according to local protocol or as court ordered, one week prior to each scheduled court hearing. A CASA may also enter into discussions on their case where they would be reporting confidential information regarding the child and family with the participants noted above. Reasonable precautions should be taken to guard confidential issues in regard to the use of technology such as email, computers, cell and cordless phones.
12. Case records and notes shall be secured and kept private and inaccessible to public view. Staff and volunteers shall report immediately to the Program Director or their designee; any lost or misplaced paperwork in their possession.
13. CASA of L & C and B Counties program will maintain a case file in the office secured in a file cabinet by child's name and the DN number. It will also note the CASA's name; date case started and parents names. No one outside of CASA program personnel may have access to a CASA's case record without a court order.

14. All staff and volunteers will return all case records and notes to the Program Director or designee, within one week of being notified that the case has been closed by the court. This paperwork will be included in the CASA program file and closed with the file being dated and noted as "closed". These closed files will be maintained per the "closed file" policy and/or destroyed as appropriate.
15. All CASA staff and volunteers will take an oath of confidentiality upon completion of orientation/training or hire.
16. All CASA staff and volunteers will sign a statement of confidentiality for each case they accept as part of their case load. This will be put into the individual file of the CASA.
17. The CASA of L & C and B Counties program will maintain individual files with information related to the governing board, advisory committees, staff, volunteers and donors. These files will be maintained in a file cabinet and are not accessible to anyone outside of the organization without Board approval.

5/30/13 Adopted

Date: _____

Signature

Program Dir./President of Board