
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

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Confidentiality—CFS Client Records

Purpose	To provide guidelines for the release of information and/or records regarding Children and Family Services (CFS) clients.
Approved	This policy was approved by Gary Taylor, Director of CFS, on June 24, 2014. <i>Signature on file.</i>
Most Recent Revision	This revision of the Policy and Procedure (P&P) includes: <ul style="list-style-type: none">• Addition of Policy Section, “Loss/Theft of Client Personal Information”• Policy for providing a <i>Notice of Action-Denial of Home Assessment/Approval</i> (NA 1271) pursuant to Penal Code 11105
Background	<p>In accordance with the <i>Confidentiality of Client Information (F063-01-46)</i> form signed by each employee of the Social Services Agency (SSA), CFS client records, whether in electronic or hard copy form, are confidential and, in general, are not open for examination for any purpose unrelated to the administration of agency programs and/or provision of services to the client.</p> <p>Unrestricted access to CFS client records is generally limited to:</p>

- Employees of the agency who created them, pursuant to carrying out their duties and responsibilities
- Child who is the subject of the records

Pursuant to Welfare and Institutions Code Section 827 and the Juvenile Court Administrative Order No. 12/003/903, juvenile case file information received by an authorized recipient shall be safeguarded from unauthorized access or disclosure and shall not be further released to any person or agency not authorized to receive such information by statute, court order, or other lawful process. An intentional violation of the confidentiality provisions is a misdemeanor.

Select access to CFS client records by third parties may be authorized by CFS or Court Order utilizing the process outlined in WIC 827.

Definitions

Client records: CFS client records include all information compiled as a result of providing services to children and their families.

Child Abuse Records: Includes all documents related to the Emergency Response (ER) Referral, Screener Narrative, Child Abuse Investigation Report, Referral Profile, Response to the Mandated Reporter, ER Investigation Narrative and related entries in the Delivered Service Log in the Child Welfare Services/Case Management System (CWS/CMS) (i.e., reports required by Penal Code Sections 11166, 11166.2, and 11166.05).

Multidisciplinary Services Teams: As defined by WIC § 18951(d), any team of three or more persons who are trained in the prevention, identification, and treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse which can include but is not limited to three or more members of:

- Department of Education
- Health Care Agency (HCA)
- Inpatient/Outpatient Facilities providing services to children
- Probation Department
- Regional Center
- SSA

Informal Discovery Request: Requests made to County Counsel by other attorneys to produce documents without a Juvenile Court subpoena.

Personally Identifiable Information (PII): Information directly obtained in the course of performing an administrative or program/service requirement that can be used alone, or in conjunction with any other information to identify a specific individual (i.e., client). PII includes any information that can be used to search for or identify clients, or can be used to access their files, such as names, Social Security Numbers, dates of birth, drivers' license numbers or identification card numbers. PII may be in electronic or paper format.

POLICY

Overview

In accordance with SSA Administrative P&P [Rules of Conduct \(C 32\)](#), CFS employees and parties (including volunteers and interns) with whom the agency contracts to provide client services are responsible for protecting the confidentiality of client record information (including conversations, photos, etc.) obtained over the course of their employment. This applies to both open and closed referrals/cases.

To facilitate coordination of casework services through interagency collaboration and use of multidisciplinary teams, it is often beneficial to provide service providers outside of SSA with client record information.

Each request for CFS client record information will be evaluated to determine if:

- There is any doubt as to the identity of the requesting party
- There is a legal basis to release the information in the record
- The requesting party has the right or need to know the information
- The requesting party has the right to copies of the information

Note: The authorization to inspect Juvenile Court records does not automatically include the right to make copies.

Violations of confidentiality outlined in the Child Abuse and Neglect Reporting Act (CANRA) are a misdemeanor punishable by imprisonment in a county jail not to exceed six months, by a fine of \$500, or by both. An intentional violation of the confidentiality provisions of WIC § 827 is a misdemeanor punishable by a fine not to exceed \$500.

**Client-
Authorized
Release of
Information**

Confidential information may be released using the following methods:

A. **Release of information form** signed by the parent, legal guardian, or child (in those instances where the law gives the child the authority to release information).

1. Whenever possible, obtain a completed and signed *Authorization for Release of Information (F063-25-228)* prior to release of case record information. Blank signed authorization forms will not be kept in the case file.

2. The *Authorization for Release of Information (F063-25-228)* will be evaluated to determine if the:

- Person signing the form has the authority to access the information
- Signature is authentic
- Release covers the specific information requested
- Release has not expired

Note: The *Authorization for Release of Information (F063-25-228)* is typically valid for one year. However, the client may authorize it for lesser amount of time or rescind it at any time.

3. If there is a question about anything in item #2 above, resolve the issue prior to releasing the information.

4. A properly executed *Authorization for Release of Information (F063-25-228)* enables CFS to release information or records with the following exceptions:

- Sensitive health information (e.g., HIV/AIDS test results, etc.)
- Information given pursuant to mandatory reporting laws (e.g., identity of the Reporting Party, etc.)
- Third party confidential reports, such as health

and mental health reports. It is advisable to have parents' sign an *Authorization for Release of Information (F063-25-228)* for CFS to share information with any service providers required by the case plan

Note: See [Attachment 1—Guidelines for Release of CFS Client Information](#) for additional requirements for the release of specific information.

B. **Telephone authorization** may be accepted (in a situation where time is critical) from an authorized party provided:

- The authorized party is able to provide identifying information
- The date and time of the telephone authorization is entered in the narrative section of the CWS/CMS Contact page of the referral/case
- Written authorization is obtained as soon as possible using the *Authorization for Release of Information (F063-25-228)*

**Court-
Authorized
Release of
Information—
Juvenile Court
Miscellaneous
Orders**

In some cases, the Court has created Juvenile Court Miscellaneous Orders to authorize and facilitate the exchange of specific information between CFS and other agencies and organizations. When a Juvenile Court Miscellaneous Order is cited in [Attachment 1—Guidelines for Release of CFS Client Information](#), review the Miscellaneous Order to determine:

- Specific information that may be released
- Agencies/persons designated to receive information
- The purpose and process by which the information may be released

**Subpoenas
(Personal
Appearance)**

Subpoenas for a worker to testify in court must be served on the CFS Custodian of Records, who tracks, monitors, and facilitates notification to the social worker.

Social workers will not accept subpoenas for their personal appearance at a court hearing and must send a *Subpoena Denial/Refusal Letter (F063-25-496)* to the sender of any subpoena that has bypassed the Custodian of Records. The social worker will also send a copy of both the subpoena and denial letter to the Custodian of Records.

The Custodian of Records will forward personal appearance subpoenas to each social worker's program. Each program is responsible for developing a system to track and distribute subpoenas to ensure they are picked up by the social worker in time to appear in court.

Upon receiving a subpoena from the Custodian of Records, the social worker will either:

- Appear in court on the date/time specified on the subpoena
- Contact Victim Witness to be placed on call if subpoenaed by County Counsel
- Make alternate arrangements with the person requesting their presence and inform County Counsel of those arrangements

Social workers will consult with the Deputy County Counsel assigned to the case prior to the hearing date when there are any questions about confidentiality.

Requests for Records

Requests for CFS client record information may be made to the Custodian of Records formally or informally. The Custodian of Records will process, facilitate, monitor, and track all record requests received, as appropriate.

Formal requests require presentation of one of the following:

- Subpoena (specifically, a subpoena *duces tecum* for Juvenile Court records)
- Court order (i.e., *Petition for Disclosure of Juvenile Court Records* [827 Petition] approved by the Presiding Judge of the Orange County Juvenile Court)
- 827 Declaration (i.e., *Declaration in Support of Request to Inspect and/or Copy Juvenile Court Records without a Court Order L-0673J*)

Informal requests may be made via email sent by County Counsel.

Note: SSA Administrative P&P [Subpoenas and Public Records Act Requests \(E 6\)](#) details restrictions on processing records requests received by means not addressed above.

- A. **Requests for records by Subpoena/Court Order:**
Upon receipt of a subpoena, the Custodian of Records will facilitate provision of the requested records to the requesting

party, if appropriate (see SSA Administrative P&P [Subpoenas and Public Records Act Requests \[E 6\]](#)). If the requested records will not be made available, the Custodian of Records will provide a letter to the requesting party indicating the records will not be produced.

Upon receipt of a Court order, the Custodian of Records will facilitate provision of the requested records to the requesting party.

If a social worker receives a subpoena, discovery, or Court order requesting records from any source other than the Custodian of Records, the request must be immediately forwarded to the Custodian of Records. The social worker will not accept subpoenas for information in client files.

B. Request for Records by 827 Declaration:

Upon receipt of an 827 Declaration records request by personal service or mail, the Custodian of Records will facilitate provision of the requested records only if the requesting party is entitled to receive and/or inspect the requested client record information without a Court order pursuant to WIC § 827. If the requested records will not be made available, the Custodian of Records will provide a letter to the requesting party indicating the records will not be produced.

If a social worker receives an 827 Declaration records request, the request must be immediately forwarded to the Custodian of Records.

For additional information on responding to 827 Declaration record requests, see the Procedure section of this policy.

C. Informal Discovery Requests:

The law allows County Counsel to request documents informally from the Custodian of Records without the need for a subpoena/court order. If the social worker receives an informal discovery request directly, it must be forwarded to the Custodian of Records.

The Custodian of Records will send the social worker and unit clerk, as well as their respective supervisors, an email that an Informal Discovery request has been made. The email will specify whether the entire file or only specific documents have been requested and the date the documents are due back to the Custodian of Records.

Note: Preliminary drafts, notes, and inter- and intra-agency memoranda are excluded from disclosure.

For additional information on responding to requests for client information, see the Procedure section of this policy.

Copying Requested Information

The following apply to all requests for CFS client record information received by CFS staff through the Custodian of Records:

- Social workers must respond to all discovery requests within the timeframe specified by the Custodian of Records
- Arrangements for photocopying requested materials are the responsibility of the social worker, unless otherwise specified
- If program clerical staff is available to assist in making photocopies, the social worker will clearly mark the pages to be reproduced
- Photocopy only the documents requested. Do not provide additional documents
- Do not alter the requested documents in any way. Documents will be sent “as is” to the Custodian of Records, who will deliver them to County Counsel for review and redaction, as permitted by law
- Do not ignore a request for any document. If a requested document is not available, the social worker must notify the Custodian of Records immediately so that County Counsel may be informed

Note: If County Counsel determines that requested documents are missing after receiving the copies from the Custodian of Records, the social worker will be contacted by County Counsel to provide the missing documents. The social worker will send a photocopy of the missing documents directly to County Counsel.

Court Ordered Documents

When the Court orders the social worker to produce documents, the request will be discussed with the Deputy County Counsel assigned to the child’s case prior to the release of any documents.

Release of Adoption Records

Adoption material must be released by the CFS Adoptions program and may not be photocopied by social workers in other programs. See CFS P&P [Adoption Case Record Confidentiality \(C-0302\)](#) for additional information on handling adoption records.

Release of Criminal Clearances

Pursuant to Penal Code 11105, a *Notice of Action-Denial of Home Assessment/Approval (NA 1271)* will be provided to a prospective or approved caregiver or other resident in the home, when that individual's criminal background results in:

- A denial of placement
- Rescission of approval for placement
- A Standard Exemption. (**Note:** Refer to CFS P&P [Clearances—Relative Assessment \[K-0101\]](#))

The *Notice of Action-Denial of Home Assessment/Approval (NA 1271)* be provided regardless of whether the individual requests it.

Other than those required pursuant to Penal Code § 11105, criminal clearances will not be copied by any CFS staff. The requesting party may obtain them directly from the Department of Justice and/or police departments, as appropriate.

Release of Child Abuse Records

In most circumstances, child abuse records require an 827 Petition prior to release. However, release of these records to certain persons/agencies is also governed by Penal Code 11167.5.

For a reference list of persons/agencies for which disclosure of child abuse records is authorized, refer to [Attachment 2—Authorized Disclosure of Child Abuse Records](#).

With few exceptions, any release of child abuse records must protect the identity of the Reporting Party (RP). Prior to release of the record, all necessary steps will be taken to redact the name, address, relationship to client, as well as any other information that could identify the RP. CFS staff will not release the name of the RP without consulting with County Counsel prior to releasing the name.

See CFS P&P [Abuse Investigations—Findings, Documentation, and Cross Reporting \(A-0305\)](#) for additional information on releasing child abuse records.

Release of Medical Information

Medical information protected by the Health Insurance Portability and Accountability Act (HIPPA) will not be shared except for the purpose of coordinating health care services and medical treatment provided to the child.

In some cases, a child has the right to invoke confidentiality regarding certain medical records which cannot be released without the child's specific written consent.

Special protections apply to drug and alcohol information, Human Immunodeficiency Virus (HIV) records, and psychotherapy notes, all of which generally require a court order for release.

See CFS P&P [Acquisition of Health Care Information \(I-0404\)](#) for additional information on releasing protected medical information. Also see CFS P&P [HIV/AIDS Case Management \(D-0602\)](#) for requirements related to the release of HIV/AIDS information, and CFS P&P [Medical Care Authorization \(I-0206\)](#) for general information on required authorizations.

See [Attachment 1—Guidelines for Release of CFS Client Information](#) for detailed information on the most common requests for release of client information.

Documentation

When CFS staff release information to other agencies/persons, the details, including the time, will be noted in CWS/CMS in a contact in the child's referral/case.

Juvenile Court Records

Juvenile Court Records subject to confidentiality laws include:

- The petition filed in the Juvenile Court proceeding
- Reports of the probation officer
- All other documents filed in the case
- All other documents made available to the probation officer in making the probation report and thereafter retained by the probation officer
- All other documents made available to the judge, referee, or other hearing officer and thereafter retained by the judicial officer
- Those documents contained in the Juvenile Court file
- Probation and social services records
- A report made available to Probation and social services in connection with an investigation in a juvenile case
- Testimony concerning the content of confidential records

Note: The protection of juvenile records applies even if proceedings are never initiated in the Juvenile Court (i.e., Voluntary Family Services records, Domestic Abuse Services Unit records, and child abuse records when a petition is not filed).

Sensitive Cases Referrals/Cases designated as Sensitive or Highly Sensitive by CFS require increased attention to confidentiality. Social workers will consult with their supervisors, in addition to following all applicable laws and regulations, prior to releasing information about a Sensitive/Highly Sensitive referral/case. Supervisors will determine whether it is necessary to also consult the Program Manager (PM), before making a decision about releasing confidential information.

Cases Involving CFS Employees When a CFS employee has a need to inquire about a case that involves themselves, family members, and/or friends, the request for information must be directed to the designated Deputy Director of the program. The Deputy Director will be contacted prior to any contact with the involved staff.

Safeguarding Released Written Information To prevent unauthorized access or disclosure, all Juvenile Court record information given or sent to any other agency or individual by any staff person other than the CFS Custodian of Records must be stamped with the following notification:

*“CONFIDENTIAL INFORMATION (WIC 827)
This document contains record information furnished in accordance with your official duties. Further release by you of this information may be accomplished only in accordance with applicable statute or court order or other lawful process.”*

- Each program will have a stamp available that contains the above information
- Each page released must be stamped in red. **Exception:** This does not apply to documents provided to County Counsel or the Custodian of Records
- The stamp will not obscure any written material

Note: In general, confidential information will not be provided by facsimile due to inability to ensure receipt by the requesting party.

All Juvenile Court/child abuse record information released by the CFS Custodian of Records must be attached to a *Certification of Records (F063-25-599)*, completed and signed by Custodian of Records, which includes the following notification:

“This document contains record information furnished in accordance with the provisions of Welfare and Institutions Code section 827. Further release and/or dissemination by you of this information may be accomplished only in accordance with applicable statute or court order or other lawful process.”

**Safeguarding
Paper Files and
Information**

Client files and information will be kept in a secure location at all times. For additional information on this topic, see the following SSA and CFS P&Ps:

- SSA Administrative P&P [Telecommuting \(D 20\)](#)
- SSA Administrative P&P [Sensitive Referrals/Cases \(D 6\)](#)
- CFS P&P [Case Sealing \(E-0109\)](#)
- CFS P&P [Sensitive/Highly Sensitive Referrals and Cases \(F-0107\)](#)

**Safeguarding
Electronic
Information**

Electronic files stored on individual personal computers (PCs) must be protected in accordance with all SSA guidelines regarding the use of SSA computer resources. Additionally, CFS staff will not save any form or CFS document containing Personally Identifiable Information (PII) to a CFS computer unless doing so on the established CFS secure S:\Drive.

CFS staff will use professional judgment when considering the exchange of emails or any electronic document containing CFS client record information and/or PII. Exchange of any such electronic information outside of the SSA Network (i.e., email address does not end in @ssa.ocgov.com) will be encrypted utilizing the security measures detailed in the Procedure section of this policy.

Note: In the event a photograph of a child which was imported into CWS/CMS will be emailed outside of the SSA Network, the Secure Communication Management System (SCMS) must be used.

See SSA Administrative P&P [Use of E-mail, Personal Computers, and Other Computer Resources \(I 6\)](#) for additional information.

**Loss/Theft of
Client Personal
Information**

Per CFS policy, the following notifications will be provided when it becomes known that any document related to a CFS referral or case that includes personal information regarding a client is lost or stolen from CFS custody:

A. **Senior Social Services Supervisor (SSSS) and Program Manager (PM):**

The assigned SSW will provide immediate notification to the assigned SSSS and PM upon becoming aware of the loss/theft.

B. **CFS Administration:**

Within 24 hours of becoming aware of the loss/theft, the assigned SSW, SSSS, or PM will complete a *Special Incident Report (SIR) (F063-03-48)* per SSA Administrative P&P [Special Incident Reports \(F 13\)](#).

C. The *SIR (F063-03-48)* will also be forwarded to SSA Risk Management.

D. **Board of Supervisors:**

Upon receipt of the *SIR (F063-03-48)*, the CFS Director will provide written notification of the loss/theft to the Board of Supervisors through a Memo prepared by the CFS Director's office.

E. **Law Enforcement:**

If there is reason to believe documents were stolen, within 24 hours of becoming aware of the suspected theft, the assigned SSW, SSSS, or PM will:

- Notify the law enforcement agency in the jurisdiction in which personal information was believed to have been stolen
- Notify law enforcement that, unless directed otherwise, the client will be provided notification regarding theft of personal information
- Document the name, title, and telephone number of the law enforcement officer who took the report, declined to take the report, and/or provided instruction to delay client notification
- If a report is taken, document the law enforcement agency record number for the report

F. **Client:**

Within three business days, and no more than 10 business days, of the assigned SSW becoming aware of the loss/theft and completion of as much investigation as possible into the circumstances of the loss/theft, the assigned PM will mail the client the *Loss of Personal Information Notification Letter (F063-25-737)*.

The *Loss of Personal Information Notification Letter (F063-25-737)* will be sent:

- With a request for proof of service
- Separately to each parent of a minor client whose personal information was lost/stolen
- Separately to minor clients 16 years of age or older, their parents, and, as applicable, their out-of-home caregiver

The assigned PM will mail a subsequent *Loss of Personal Information Notification Letter (F063-25-737)* to the client if additional pertinent information regarding the loss/theft of personal information is obtained after the initial notification.

G. **Juvenile Court:**

No later than the date the *Loss of Personal Information Notification Letter (F063-25-737)* is mailed to the client, the assigned SSW will submit an ex parte:

- For a CFS referral or Voluntary Family Services (VFS) case: To the Presiding Judge of the Juvenile Court
- For an open CFS dependency case: To the assigned courtroom

The ex parte will include:

1. Name and date of birth of each client whose personal information was lost/stolen.
2. List of personal information determined to have been lost/stolen (e.g., name, date of birth, social security number, address, medical information, etc.).
3. List of personal information determined to have not been lost/stolen.

- 4 Description of the circumstances that resulted in loss of personal information.
- 5 As applicable:
 - Date of loss/theft of information, –OR–
 - Estimated date of loss of information, –OR–
 - Date range within which the loss of information occurred
- 6 As applicable, documentation regarding:
 - Date notification was provided to law enforcement
 - Name of law enforcement agency to which theft was reported
 - Name, title, and telephone number of the law enforcement officer who took report, declined to take the report, and/or provided instruction to delay client notification
 - Whether or not law enforcement agency accepted theft report
 - If accepted, law enforcement agency record number for theft report
 - If there will be delay in notification to client due to law enforcement investigation
- 7 Date on which *Loss of Personal Information Notification Letter (F063-25-737)* was mailed to client.
- 8 Notification that *Loss of Personal Information Notification Letter (F063-25-737)* included toll-free telephone number and addresses of the major credit reporting agencies if a social security number and/or driver's license or California identification card number were lost.
- 9 Date Board of Supervisors was notified of loss/theft.
- 10 As applicable, description of any additional relevant information to loss/theft and any additional assistance provided to client to remedy loss/theft of personal information.

Note: One ex parte may be submitted when personal information from multiple CFS referrals has been lost/stolen at the same time. However, a separate ex parte is required for any CFS referral regarding an open dependency case.

H. **State of California Department of Health Care Services (DHCS):**

DHCS will be notified pursuant to SSA Administrative P&P [Loss of Personally Identifiable Information \(I 7\)](#) when personal information is determined to have been lost/stolen.

I. **Additional Parties:**

Depending on the type of personal information lost/stolen, additional notification to other parties may be required. The assigned SSW will consult with the assigned SSSS, PM (or designees), and County Counsel to determine other parties that may need to be notified.

Communication regarding loss of personal information, including unsuccessful attempts to complete any of the notifications listed above, will be documented in a CWS/CMS contact narrative.

**Protecting
Confidentiality
in Use of Social
Media**

In accordance with SSA Administrative P&P [Rules of Conduct \(C 32\)](#), staff will be expected to exercise personal responsibility and maintain the confidentiality of client record information in their professional and/or personal use of social media.

“Social media” is a term used to describe activities that integrate technology, social interaction, and content creation. This may include, but is not limited to the use of:

- Online social networking websites (e.g., Facebook®, Myspace®, etc.)
- Personal blogging websites (e.g., Twitter®, LiveJournal®, etc.)
- Online discussion forums/boards
- Syndicated web feeds/podcasts
- Online video-sharing (e.g., YouTube®) and/or photo-sharing (e.g., Flickr®)

Given the public nature of social media and the potential for third parties to gain access to information communicated through social media, staff will not, under any circumstances, disclose client record information, including PII, in their use of social media. Further, staff will refrain from referencing any referral/case

information that may be used to identify a client. These confidentiality guidelines will be adhered to regardless of whether the social media platform is private (e.g., password protected) or public.

For procedures, guidelines and standards to carry out County business through the use of social media, refer to the [Countywide Website & Social Media Policies page](#) on the Orange County website (www.ocgov.com).

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [Attachment 1—Guidelines for Release of CFS Client Information](#)
 - [Attachment 2—Authorized Disclosure of Child Abuse Records](#)
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Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P [Abuse Investigations—Findings, Documentation, and Cross Reporting \(A-0305\)](#)
- CFS P&P [Case Sealing \(E-0109\)](#)
- CFS P&P [School Placement and Transfer \(I-0102\)](#)
- CFS P&P [HIV/AIDS Case Management \(D-0602\)](#)
- CFS P&P [Live Scan Fingerprinting \(B-0115\)](#)
- CFS P&P [Acquisition of Health Care Information \(I-0404\)](#)
- CFS P&P [Sensitive/Highly Sensitive Referrals and Cases \(F-0107\)](#)
- CFS P&P [Medical Care Authorization \(I-0206\)](#)
- CFS P&P [Foster Home Licensing \(K-0604\)](#)
- CFS P&P [Adoption Case Record Confidentiality \(C-0302\)](#)
- CFS P&P [Clearances—Relative Assessment \(K-0101\)](#)
- SSA Administrative P&P [Media Responses and Publicity Requests \(D 3\)](#)
- SSA Administrative P&P [Grand Jury Responses and Contacts \(D 32\)](#)
- SSA Administrative P&P [Subpoenas and Public Records Act Requests \(E 6\)](#)
- SSA Administrative P&P [Sensitive Referrals/Cases \(D 6\)](#)

- SSA Administrative P&P [Telecommuting \(D 20\)](#)
 - SSA Administrative P&P [Special Incident Reports \(F 13\)](#)
 - SSA Administrative P&P [Use of E-mail, Personal Computer, and other Computer Resources \(I 6\)](#)
 - SSA Administrative P&P [Loss of Personally Identifiable Information \(I 7\)](#)
 - [Orange County Juvenile Court Miscellaneous Order 528.7—Authorization for Inspection of Records by the Juvenile Justice Commission](#)
 - Orange County Website—[Countywide Website & Social Media Policies](#)
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Other Sources

Other printed references include the following:

- County Counsel Opinion 84-314
- County Counsel Opinion Dated 3-19-82
- County Counsel Opinion Dated 8-17-83
- County Counsel Opinion Dated 11-6-84
- County Counsel Opinion Dated 6-28-88
- County Counsel Opinion Dated 12-20-88
- Orange County Juvenile Court Miscellaneous Order 520.4 Authorization for Exchange of Information Concerning Juvenile Court Wards and Dependents Amongst Public and Private Agencies Providing Services
- Orange County Juvenile Court Miscellaneous Order 522.5 Authorization for Mediators to Receive Information from the Orange County Probation Department and the Orange County Social Services Agency
- Orange County Juvenile Court Miscellaneous Order 524.4 Authorization for Orange County Probation Department and Social Services Agency to Exchange Information Pursuant to Section 241.1, WIC
- Orange County Juvenile Court Miscellaneous Order 526.5 CASA Access to Juvenile Court Files and Indices
- Orange County Juvenile Court Miscellaneous Order 532.20 Authorization for Mediators to Review Juvenile Court Files for Purposes of Conducting Expedited Investigations required for Ex Parte Request for Change of Custody or Visitation
- Orange County Juvenile Court Miscellaneous Order 534.3 Authorization for the Sharing of Information Through Orange County Multidisciplinary Teams
- Orange County Juvenile Court Miscellaneous Order 536.1 Authorization for the Sharing of Information By Members of the Orange County Child Death Review Team

- Orange County Juvenile Court Miscellaneous Order 537.1 Authorization for the Sharing of Information Among the Orange County Social Services Agency—Children and Family Services, the Orange County Probation Department, the Orange County housing and Community Services Department—Workforce Investment Board, the City of Santa Ana—Workforce Investment Board, and the City of Anaheim—Workforce Investment Board
 - Orange County Juvenile Court Miscellaneous Order 541.1 Family Connections Protocol and Agreement
 - Orange County Juvenile Court Miscellaneous Order 701.5 Authorization for Testing for the Human Immunodeficiency Virus
 - Orange County Juvenile Court Miscellaneous Order 721.4
 - Orange County Juvenile Court Miscellaneous Order 740.4 Authorization to Provide Information to the District Attorney's Family Support Division
 - Orange County Juvenile Court Miscellaneous Order 741.4
 - Authorization for Social Services Agency to Provide Information for Individualized Educational Programs (IEPs) and Special Education needs of Dependent Children
 - Orange County Juvenile Court Miscellaneous Order 742.4 Authorization for Mediation and Investigative Services to Access Juvenile Dependency Court Files
 - Orange County Juvenile Court Miscellaneous Order 743.2 Authorization for Release of Information to the Federal Social Security Administration to Apply for Federal Financial Assistance
 - Orange County Juvenile Court Miscellaneous Order 749.2 Authorization for the Consortium for Children to Receive Information from the Orange County Social Services Agency for Purposes of Permanency Planning Mediation
 - Orange County Juvenile Court Miscellaneous Order 750.1 Authorization for Employees of a Child Protective Agency to Receive Information
 - Orange County Juvenile Court Policy: Confidentiality and Release of Information 1/28/97 as amended
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REQUIRED FORMS

Online Forms Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Discovery Request—Document Checklist	F063-25-497
Subpoena Denial/Refusal Letter	F063-25-496
827 Petition Information Sheet	F063-25-527
827 Petition Information Sheet (Spanish)	F063-25-527Sp
827 Petition Information Sheet (Vietnamese)	F063-25-527VN
Certification of Records	F063-25-599
Special Incident Report (SIR)	F063-03-48
Loss of Personal Information Notification Letter	F063-25-737
Loss of Personal Information Notification Letter (Spanish)	F063-25-737Sp
Notice of Action—Denial of Home Assessment/Approval	NA 1271

Hard Copy Forms Forms listed below must be completed in hard copy (including multi-copy NCR forms). **For reference purposes only**, links are provided to view these hard copy forms, where available.

Form Name	Form Number
Authorization for Release of Information	F063-25-228
Authorization for Release of Information (Spanish)	F063-25-228Sp
Declaration in Support of Request to Inspect and/or Copy Juvenile Court Records without a Court Order (827 Declaration)	L-0673

CWS/CMS Forms The following required forms may **only** be obtained in CWS/CMS. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
Request for Disclosure of Juvenile Case File (aka Petition for Disclosure of Juvenile Court Records [827 Petition])	JV-570

Brochures Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	

PROCEDURE

Required Actions— Request for Information The following actions must be completed when receiving a request for information contained in Juvenile Court records.

Staff Responsible	Step	Required Action
Assigned Social Worker	1.	Determine under what circumstances, if any, that information can be released to requesting party by reviewing this policy and consulting with supervisor and County Counsel as necessary.
	2.	Obtain completed <i>Authorization for Release of Information (F063-25-228)</i> form, or an authorization form specific to the program, if any, and/or court order, if needed, when determination is made that information can be released.
	3.	Follow procedure section below if information will be provided in written form.
	4.	Use caution when relaying information verbally to avoid disclosing any information that must not be released (i.e., information about reporting party in a CAR report, etc.).
	5.	Document the information request and actions taken in CWS/CMS in the appropriate referral/case contact section of the child's notebook.

Required Actions— Giving or Sending Records to Other Agencies or Individuals The following actions must be completed when giving or sending any Juvenile Court record information to any agency or individual except the Social Services Agency Custodian of Records.

Staff Responsible	Step	Required Action
Assigned Social Worker	1.	Review requested documents and redact any information in documents that cannot be released legally.
	2.	Provide requested documents to IPT-Unit Clerk to photocopy and stamp with “CONFIDENTIAL INFORMATION (WIC 827)” stamp.
Assigned IPT Unit Clerk	3.	Photocopy documents and stamp each page of document using “CONFIDENTIAL INFORMATION (WIC 827)” stamp and red ink pad. Note: Ensure that stamp does not cover any written material.
	4.	Return original and photocopies to assigned social worker, unless instructed to mail documents.
Assigned Social Worker	5.	Review documents if returned by IPT/Unit Clerk to verify that each page has been stamped and return to Unit Clerk, if acceptable.
Assigned IPT Unit Clerk	6.	Secure envelope flap with tape, stamp “CONFIDENTIAL INFORMATION (WIC 827)” over tape, and follow social worker’s instructions regarding method of delivery.
Assigned Social Worker	7.	In appropriate referral/case contact section of child’s notebook in CWS/CMS, document the fact that information was released. Include details of information released and name of recipient.

Required Actions— Request for Records by 827 Declaration— The following actions must be completed when the Custodian of Records receives, by personal service or mail, a request for records by 827 Declaration.

<u>Staff Responsible</u>	<u>Step</u>	<u>Required Action</u>
Custodian of Records (or Designee)	1.	Date stamp the <i>827 Declaration</i> .
	2.	Review the 827 Declaration for completion, including: <ol style="list-style-type: none"> <li data-bbox="602 611 1406 695">a. Requesting party’s association with the case/referral and/or professional capacity. <li data-bbox="602 701 1406 842">b. Identification of the requested documents <u>and</u> reason for request (may be an attached statement). <li data-bbox="602 848 1406 919">c. Signature of requesting party and date of request. <li data-bbox="602 926 1406 997">d. Notarization. <p data-bbox="602 1010 1406 1094">Note: The requesting party may utilize a CFS notary, when available, at no fee.</p>
	3.	Verify requesting party’s identity, association with case/ referral and/or professional capacity. Obtain copies of the following forms of identification, as applicable: <ul style="list-style-type: none"> <li data-bbox="602 1262 1406 1346">• All Requesting Parties: Picture identification (e.g., State Driver’s License, passport) <li data-bbox="602 1352 1406 1451">• Parent: Birth certificate or other documentation indicating parental relationship to the child (e.g., paternity/custody order, child support letter) <li data-bbox="602 1457 1406 1528">• Legal Guardian: Appointment Order issued by Court <li data-bbox="602 1535 1406 1730">• Others Serving in Professional Capacity: Appointment Letter issued by Court (e.g., attorney, CASA, Court-appointed mediator) and/or identification badge (e.g., other child protective agency, law enforcement)

Note: Any completed 827 Declarations received by mail will be accepted and processed, provided the declaration is notarized and includes copies of supporting identification of the requesting party.

4. Determine if requesting party is entitled to review and/or receive copies of requested documents as specified on the 827 Declaration and:
 - [Attachment 1—Guidelines for Release of CFS Client Information](#)
- AND/OR–
- [Attachment 2—Authorized Disclosure of Child Abuse Records](#)

If release of information is authorized, log receipt of the declaration in the Custodian of Records Request Log and **proceed to step 5**.

If release of information is not authorized, return 827 Declaration to requesting party with written response indicating the requested records will not be produced. **Do not proceed to step 5**.

Note: The written response will include advisement that a *Petition for Disclosure of Juvenile Court Records* (827 Petition) may be filed with the Presiding Judge of the Orange County Juvenile Court.

5. Notify requesting party that the requested documents should be available for review and/or pick-up (if copies are requested and authorized) within an estimated timeframe of **15 business days**.

Note: Immediate notification will be provided to the requesting party when requested documents will not be available within the estimated timeframe.

6. As applicable, provide itemized statement of estimated costs associated with reproduction and provision of requested documents, to the requesting party, including, but not limited to:
 - Reproduction fees (\$0.15 for each page copied)
 - Postage charges

See SSA Administrative P&P [Subpoenas and Public Records Act Requests \(E 6\)](#) for further information.

7. Obtain requested documents.

If “**any and all SSA/CFS records**” are requested, obtain all records associated with the referral/case.

If **specific documents** associated with a referral/case are requested, obtain only those documents requested.

8. Forward requested documents, along with a copy of the 827 Declaration, to one of the following, as applicable, for redaction purposes:

- **County Counsel**—When records request involves an open/dismissed/terminated juvenile dependency case
- **Program Integrity**—When records request involves a non-dependency case and/or child abuse referral not previously assigned to County Counsel

Note: The Custodian of Records (or designee) will complete all redactions regarding Reporting Party information.

9. Following redaction, contact requesting party to schedule review/pick-up.

10. Request picture identification of the requesting party prior to review and/or pick-up of requested documents, and complete the following, as applicable:

- a. **Review of Records:** Monitor requesting party during records review to ensure records are not copied/alterd/removed

Note: The requesting party authorized to review the requested documents is the party allowed to be present at the scheduled appointment.

b. **Provision of Copies of Records:** Upon receipt of payment of copy fees in the form of a check/money order made payable to “County of Orange”:

- Release copies of requested documents, along with an attached *Certification of Records (F063-25-599)*, completed and signed by Custodian of Records
- Forward payment to **SSA Accounting, Bldg. 151** for deposit

Note: Copies of requested documents may be mailed to the home/business address of the requesting party via certified mail upon receipt of payment of copy/ mailing fees.

11. Enter date of review/provision of requested documents in the Custodian of Records Request Log.

**Required Actions—
Requests From
Custodian of
Records**

The following actions must be completed when a request is received from Custodian of Records for CFS Client Records.

Staff Responsible	Step	Required Action
Assigned Social Worker	1.	Photocopy <i>only</i> the requested documents following instructions in email from Custodian of Records.
	2.	Complete the <i>Discovery Request—Document Checklist (F063-25-497)</i> when the Discovery Request is for the entire file. Place checklist on top of the photocopied documents delivered to Custodian of Records.
	3.	Update all information regarding contacts, associated services, and associated visits in CWS/CMS within three days of discovery due date.
	4.	Notify Custodian of Records by email when all information is updated in CWS/CMS so that Custodian of Records can print the Delivered Service Log. (Use the “reply all” feature when responding to email from the Custodian of Records.)

Note: If information for the Delivered Service Log is not complete three days prior to the discovery due date, the assigned social worker must either print out or arrange to have the Delivered Service Log printed out. The Delivered Service Log must then be included with other documents forwarded to the Custodian of Records.

5. Review photocopied material to ensure that all requested documentation is included. If a requested document is not available, notify the Custodian of Records immediately.
6. Deliver documents to the Custodian of Records on or before due date, or arrange with the Custodian of Records for documents to be picked up if they cannot be delivered in time. (Due date for discovery requests will usually be five business days or longer.) Do not deliver the documents directly to County Counsel.

Note: Court Services workers will place completed discovery documents in the designated basket in Reception at the Manchester Office Building.

7. Respond directly to County Counsel if notified that any requested documents are missing from those that County Counsel received from the Custodian of Records.

Required Actions—Encrypting Email Originating from CFS The following actions must be completed when sending an email or electronic document containing CFS client record information or Personally Identifiable Information (PII) **outside** the SSA Network.

Staff Responsible	Step	Required Action
All CFS Staff	1.	Prepare email and attach any electronic document(s) to be sent to recipient.
	2.	In the subject line of the email, include the phrase “secure” in square brackets [], as indicated: <ul style="list-style-type: none"> • Example Subject Line: [secure] subject of email

Note: Email sent within SSA network (email address ends in @ssa.ocgov.com) does not require encryption.

3. Send email only to recipient(s) authorized to receive CFS client record information or PII.
 4. Instruct recipient(s) to complete each of the following, upon receipt of the email:
 - a. Open email entitled “SecureEnvelope Notification.”
 - b. Open attachment entitled “SecureEnvelope.html” and complete one of the following, as applicable:
 - Register and establish a password, as directed
- OR–
- Enter previously established password
-

LEGAL MANDATES

[All County Letter \(ACL\) 12-71](#) provides the legal background regarding the determination that, pursuant to WIC 10950, “relative/NREFM home approval decisions are public social services.”

[California Department of Social Services \(CDSS\) Manual of Policies and Procedures \(MPP\) Division 19](#) provides guidelines for maintaining confidentiality of records for those receiving public social services.

[CDSS MPP Division 21-103.3](#) provides guideline for CDSS to obtain, review, and copy records for discrimination complaint investigations and compliance reviews.

[CDSS MPP Division 21-203](#) provides guideline for investigating discrimination complaints, including maintaining the confidentiality of the investigation.

[Civil Code Section \(§\) 56.10](#) provides guideline for maintaining confidentiality of medical information.

[Civil Code § 56.29](#) provides guideline to have a signed authorization for release of information in order to disclose an individual’s medical information.

[Civil Code § 1798.20](#) provides guideline for agencies to establish rules for maintaining confidentiality of client records.

[Evidence Code § 1040](#) defines "official information" and provides guideline regarding a public entity's privilege to refuse to disclose official information.

[Family Code § 9205](#) provides guideline for release of information to siblings who have been adopted.

[Government Code § 6254](#) lists the types of documents that are not subject to disclosure of records.

[Health and Safety Code § 1536](#) provides guideline for protecting the privacy of foster family homes and certified Foster Family Agency (FFA) homes and the provisions under which information may be shared regarding a prospective foster parent or relative/Non-Related Extended Family Member (NREFM).

[Health and Safety Code § 120980](#) defines the civil and criminal penalties for negligent, willful, and/or malicious disclosure of human immunodeficiency virus (HIV) test results.

[Health and Safety Code § 121025](#) provides guideline for maintaining confidentiality of records regarding HIV and acquired immunodeficiency syndrome (AIDS).

[Penal Code § 11167](#) provides guideline for maintaining confidentiality of those who report child abuse and defines those with whom information received from a mandated reporter of child abuse may be shared.

[Penal Code § 11174.32](#) provides guideline for a child death review team to withhold the last name of the child that is subject to a review or the name of the deceased child's siblings unless the name has been publicly disclosed or is required to be disclosed by state law, federal law, or court order.

[Penal Code § 11105](#) provides guideline for providing an individual for whom criminal records are received pursuant to a background check for the purposes of a placement assessment, with a copy of this information when it results in: a denial of placement, rescission for approval of placement, or Standard Exemption. This information is to be provided as expeditiously as possible.

[California Rules of Court Rule 5.552](#) provides guideline for what is included in a "juvenile case file" and lists those who may inspect, revise, and copy a juvenile case file without a Juvenile Court order.

[Welfare and Institutions Code \(WIC\) § 103\(h\)](#) provides guideline that, by court order, CASAs have the authority to access a child's case related information.

[WIC § 107](#) lists those agencies and community providers whose records a CASA may inspect and copy without the consent of the child or parents.

[WIC § 308](#) provides guideline for maintaining confidentiality of the foster family home in which child is placed pending the Dispositional Hearing.

[WIC § 317\(f\)](#) lists types of confidentiality privileges a child over 12 years of age may invoke.

[WIC § 361](#) provides authority for a court appointed provider of developmental services to review information regarding a child or Non-Minor Dependent (NMD).

[WIC § 361.3](#) provide guidelines for the information that may be disclosed to a potential relative caregiver.

[WIC § 827](#) lists those who may inspect a child's case file.

[WIC § 828](#) lists with whom a law enforcement agency that has placed a child into protective custody may share information.

[WIC § 830](#) provides guideline for members of a multidisciplinary team (as defined in WIC 18951) addressing child abuse and neglect, to exchange information with each other.

[WIC § 10850](#) states requirement to maintain confidentiality of any individual receiving social services.

[WIC § 10850.3](#) provides guideline the circumstances under which confidential information regarding a recipient of social services may be disclosed.

[WIC § 16504](#) provides guideline for reporting allegations of abuse or neglect regarding a NMD in foster care placement.

[WIC § 16504.5](#) provides guideline under which criminal history records may be obtained.

[WIC § 18986.46](#) provides guideline for the signing of one release of information for all relevant records to a multi-disciplinary team providing services to a child or NMD.