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Addressing Confidentiality of Records in Searches for Missing Children

Final Report

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Addressing Confidentiality of Records in Searches for Missing Children

Final Report

A Joint Project of the American Bar Association Center on Children
and the Law and the National Association of Social Workers

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INTRODUCTION

THE NEED FOR RECORD INFORMATION IN SEARCHES FOR MISSING CHILDREN

Crimes against children, including child abduction and the exploitation of missing children, are a significant problem in our society. According to a recent study funded by the U.S. Department of Justice, in 1988 there were:

- 114,600 children abducted or subject to an abduction attempt by a non-family member;
- 300 children abducted by non-family members who were gone for long periods of time or were murdered;
- 354,000 children abducted by family members;
- 450,700 children who ran away and were at risk of abuse or exploitation;
- 127,100 children who were ejected from their homes; and
- 438,200 children who were lost, injured while lost, or otherwise missing.

As law enforcement agents search for abducted or missing children, they may seek to draw upon a range of information sources, including the records of various types of agencies which may have served the child (either individually, with a family member before the child became missing, or with an abductor after an abduction). Yet officers may encounter significant barriers to obtaining the information they seek. State or federal law may protect certain information as confidential, although in many cases it is unclear whether information requests by law enforcement are intended to be included in the legal provisions. Individual professional or agency policies and procedures also may preclude the release of information to anyone, including law enforcement. In some cases, information requests may simply be slowed due to lack of clarity as to required procedures.

Nor are the issues always simple. Laws and policies restricting record access, although sometimes vague or ill-considered, may in other cases reflect important confidentiality interests which protect children and their families. Appropriate remedies must carefully balance these confidentiality needs with the need to find and protect missing and endangered children.

The "Addressing Confidentiality of Records in Searches for Missing Children" Project (the Project) is a joint project of the American Bar Association Center on Children and the Law (ABA) and the National Association of Social Workers (NASW), funded and sponsored by the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice. The Project is designed to assess and make recommendations regarding access by law enforcement in missing children cases to the records held by:

- Schools;
- Hospitals;
- Child welfare agencies;
- Domestic violence shelters; and
- Runaway shelters.

The Project began in February 1992, and includes a state study of the legal constraints on and requirements for the release of agency record information, as well as a 50 state survey of agencies as to the types of information available to law enforcement officers and the confidentiality issues and concerns for client safety that may preclude agencies from sharing other information. This information was reviewed on November 30, 1993 by a working symposium of experts in law enforcement, child welfare, and the five specified types of agencies for which record access is under consideration. Appendix A contains highlights of the Symposium. The Project culminates in this final report and a manual for law enforcement officers.

RESULTS OF THE LEGAL RESEARCH

GOALS AND STRUCTURE OF THE LEGAL RESEARCH

When law enforcement officers seek record information which may aid them in locating a missing child, access may be guaranteed, facilitated, limited or prohibited by applicable state or federal law. Clear understanding as to legal provisions and requirements is often essential to obtaining needed information. Yet the law itself may be unclear, and adequacy and comprehensiveness of legal provisions may vary dramatically by state.

For these reasons, an initial goal of the Project was to complete a state-by-state survey of laws relating to access by law enforcement officers to records of the five agency types specified by the grant requirements: schools, hospitals, child welfare agencies, domestic violence shelters, and runaway shelters. This entailed 255 individual legal searches (51 jurisdictions x 5 categories), using both electronic and traditional legal research. Only statutes were researched in all cases; it was not possible to comprehensively review administrative regulations due to time constraints and the limited availability of some state administrative materials. However, relevant administrative regulations were reviewed whenever:

- The identified statute specifically referred to related administrative regulations; or
- Relevant regulations were supplied by respondents in the agency surveys.

(See "Results of the Survey and Interviews" section which follows). Relevant federal laws, although more limited, were also reviewed.

The legal research revealed substantial gaps in clarity and adequacy of many state laws in addressing the issues presented. Very few states had anything approaching a comprehensive law addressing accessibility of records

to law enforcement officers seeking missing children. Each type of record must be researched separately, and even then the answers are often unclear. While many states have generalized confidentiality protections for specified types of records, it is not always clear whether all aspects of the records are protected (including name and address information) or only private information (such as treatment history). Additionally, it is often unclear whether these protections are intended to be applied in the case of a valid law enforcement request, or whether they are intended only to protect against indiscriminate public dissemination. In some laws generally guaranteeing confidentiality, exceptions are provided for law enforcement officers investigating child abuse or neglect -- but missing children investigations are not specifically mentioned. Finally, in a substantial number of cases, our project was unable to identify any relevant law at all.

A brief overview of findings by subject area follows. Appendix B contains summary charts showing the numbers of jurisdictions allowing record access or imposing reporting requirements in missing children cases (by type of record). Appendix C contains a complete listing and description of the laws that we found (by state).

SCHOOL RECORDS

Of all the categories studied, schools had both the clearest legal requirements and the greatest degree of mandated record access for law enforcement officers seeking missing children. Nearly every state has a law pertaining to school record access, as does the federal government. While some barriers may remain in actual practice, they will rarely be justifiable by law.

The federal Family Educational Rights and Privacy Act of 1974 (FERPA) provides that schools receiving federal funds must, as a condition of continued full funding, meet certain standards as to school record access and privacy. Its primary purposes are:

- To assure that parents, guardians, individuals acting as a parent in the absence of a parent or guardian, and adult students have access to a student's educational records; and
- To limit the access of third parties to confidential information contained within student records.

FERPA does allow schools to publish "directory information" including student names, birth dates, and addresses without obtaining parental consent.

State laws or regulations frequently affirm, reflect, or incorporate the FERPA provisions. *See, e.g., Ariz. Rev. Stat. Ann. § 15-829; Ala. Admin. Code. r. 290-030-010; Mont. Admin. R. 10.55.2002.* Even where state law or regulation is silent on the issue, schools must still comply with FERPA to avoid loss of federal funds. Accordingly, officers may safely assume that FERPA will control school practices, at least for public schools and often for private schools.

While FERPA does not specifically refer to law enforcement officers, it offers two essential opportunities for officers to obtain needed information. In many cases, the directory information of name, birth date and address will be all that is needed and useful for location purposes. This information is regularly reported for children in public schools nationwide to the National Center for Missing and Exploited Children.

When more detailed information is needed, the FERPA provisions regarding full record access by parents may be useful. In that case, officers could request and present a power of attorney from the left-behind parent, delegating the

parent's access rights to the investigating officer. Alternatively, the parent could request the records, then give a copy to the investigating officer.

In addition to FERPA compliance, many states have laws specifically designed to help law enforcement officers find missing and abducted children. *See, e.g. Idaho Code § 18-4511; Ill. Ann. Stat. ch. 325, para. 10/5-10-6; Mont. Code Ann. § 44-2-511.* Known as "flagging laws", these innovative provisions not only allow access, but include specific reporting requirements. Because children must by law attend school, and because children entering a new school must have records forwarded from their previous school, school records provide a unique tracking opportunity. Common mandates of a comprehensive flagging law include:

- When a school is notified that a former student has been abducted or is missing, the school must "flag" that child's school record. If a request is later received to forward the child's school records, the school must immediately notify law enforcement.
- When a child is enrolled in a school, the school must notify the child's former school to obtain school records. If the enrolling parent (or person acting as parent) cannot or will not give prior school information, the school must notify law enforcement.
- If a school has any knowledge that a student may be an abducted or missing child, it must promptly notify law enforcement and provide needed location information.

Because birth certificates are needed to initially enroll a child in school (as well as to receive some government benefits such as Aid to Families with Dependent Children), some states also have flagging laws for birth certificate registries. *See, e.g., Ill. Ann.Stat. ch. 325, 50/3.*

HOSPITAL RECORDS

Logically, hospital records and school records appear to have much in common as a resource for finding missing children. Unlike other settings an abductor might avoid, a seriously ill child may need to go to the hospital, much as all children must go to school. Previous medical records may well be needed by the treating staff, just as schools need previous school records. Both patients and students may reasonably expect that confidential information (e.g. visits with a guidance counselor for a student, or personal health information for a patient) will be kept private except in compelling circumstances; yet mere identity and address ordinarily would not appear to be private information. Both schools and medical staff may have extensive information useful in identifying a child whose identity has been concealed or altered. Finally, both school and medical personnel are commonly specified by statute as mandated reporters of child abuse and neglect. Although missing children cases are typically not included, the statutes suggest a recognition that professionals in schools and the medical profession have a special duty to assist in the protection of children.

Statutes relating to hospital records, however, are significantly lacking in the uniformity, comprehensiveness, and specificity found in statutes affecting school record disclosure in missing children cases. Only one statute was identified which specifically referred to missing persons. *See Or. Rev. Stat. § 146.535*, requiring dentists, physicians, optometrists and other medical practitioners to furnish patient information upon police agency's request for information needed to identify missing persons. Only five states (*Maryland, Minnesota, Montana, Washington, and Wyoming*) use the concept of "directory information", specifying that non-confidential name and address information may

be released without patient or parental consent. No statute was identified with any procedure for flagging medical records and reporting record forwarding requests.

Although some state laws do refer to law enforcement requests, they may either specify only abuse and neglect cases (without mentioning missing children cases); *see, e.g., Wis. Stat. Ann. § 146.82*; or require a subpoena to obtain the requested information; *see, e.g., Ark. code Ann. § 16-46-302*. A few states have broadly defined exceptions to confidentiality such as when information is needed for a criminal prosecution involving injury to any person; *Neb. Rev. Stat. § 27-504*; or when a treating physician feels there is imminent physical danger to the patient or others, or the probability of mental or emotional injury to the patient; *Tex. Rev. Civ. Stat. Ann. art. 4495b*. While all these provisions could apply in most missing children cases, the necessity of convincing hospital staff that the statutory requirements are met could considerably delay record access.

Surprisingly, relatively few states even have laws guaranteeing parents access to their children's medical records. *But see, e.g., Me. Rev. Stat. Ann. tit. 22 § 1711-B; 23 Pa. Const. Stat. Ann § 5309*. Several states have laws broadly guaranteeing confidentiality of medical and/or hospital records, without any mention of whether the prohibition against disclosure applies to mere name and address information, to parents seeking copies of their children's records, or to necessary law enforcement requests.

CHILD WELFARE AGENCY RECORDS

There are several circumstances in which records of the state child welfare agency, which handles abuse and neglect cases, may be useful in locating a missing child. If the family was the subject of a child welfare case before the

child was abducted, ran away, or otherwise became missing, the record may contain valuable clues as to where the child has gone or been taken. Additionally, after a child becomes missing, an abductor or a person who has assumed control over a runaway may abuse the child and become subject to a child welfare case. In the latter case, the child welfare agency may have full information as to the child's whereabouts -- and may even, unaware of the lack of lawful custodial status of the parent or person posing as parent, be providing services to help keep the child with that unlawful parent figure. Logically, it would seem that a case which involves both abduction or exploitation and possible subsequent child abuse would be of the highest priority.

This important nexus between missing children and child welfare cases, however, is not consistently reflected in laws regarding record access. Federal child welfare law is silent on the issue of child welfare agency record access in missing children cases. While most states do provide, by law or regulation, that law enforcement officers investigating criminal child abuse or neglect may have access to child welfare agency records, missing children cases typically are not mentioned. Notable exceptions include *Illinois, New Hampshire, New York and Ohio*, all of which have laws specifying access by officers investigating a missing child case.

Despite the widespread lack of provisions specific to missing children investigations, access in individual cases may already be the norm, for several reasons. First, if an officer has reason to believe that the missing child may be or have been the subject of an abuse or neglect action, it appears logical to investigate the possible abuse as well as the abduction or missing child aspect of the case. In that case, the typical statutory requirement of a law enforcement agent investigating child abuse or neglect is met, and the information is accessible. This may help explain the Project's survey finding that most child

welfare agencies do routinely provide requested record information to officers seeking missing children. (See "Results of the Survey and Interviews" section which follows).

Other more general provisions may also allow needed access, although in some cases the procedures may be cumbersome. For example, access may be allowed whenever ordered by a juvenile, family or other court. *See, e.g., Ky. Rev. Stat Ann. § 620.050; R.I. Gen. Laws § 40-11-13.* It may be allowed under broad language applicable in a range of cases, including missing children cases, such as "acts against children in violation of criminal statutes..." *La. Rev. Stat. Ann § 46:56.* Access may also be guaranteed through provisions which are specific to officers seeking missing children, but allow them access generally to all needed state or city agency records. *See Tex. Hum. Res. Code Ann. §79.014.*

Even if officers are typically able to gain access in individual cases, however, problems remain from the lack of clear, specific laws guaranteeing information sharing in all cases in which a child is or may be both missing and subjected to child abuse or neglect. There are no flagging or reporting requirements imposed on child welfare agencies similar to those commonly imposed on schools. There are no provisions allowing a state or national missing children's program to report all missing children cases to a state child welfare agency, with a request that the agency check its records and report any known information on the children's whereabouts and circumstances. Given the high risks in cases involving both abduction or exploitation and possible abuse or neglect, provisions of this nature should be considered.

DOMESTIC VIOLENCE SHELTER RECORDS

The confidentiality or accessibility of records of shelters for victims of domestic violence present challenging issues of law and public policy. Unlike schools, hospitals or child welfare agencies, domestic violence shelters exist specifically to protect women and their children fleeing from domestic violence or abuse. If women fleeing violence must also fear that the emergency havens they seek will instead facilitate returning their children to the very person they flee, the purpose and meaning of domestic violence shelters will be undermined.

An investigator may, perhaps with legal accuracy, view a fleeing mother as a parental abductor and the left-behind father as a victim of visitation interference. Yet shelter personnel may, perhaps with factual accuracy, view that same woman as a crime victim in need of protection. This latter view may or may not be supported by past legal actions such as protection orders and/or criminal actions against the father for battering the mother.

In general, current law places high levels of protection on the confidentiality of domestic violence shelter records. The federal Family Violence Prevention and Services Act of 1984 provides that states receiving federal funding support of their domestic violence prevention and shelter programs, to maintain current federal funding, must develop and implement procedures for protecting shelter record confidentiality. Additionally, most states have laws which specifically protect shelter records against disclosure. *See, e.g., Ariz. Rev. Stat. Ann. § 36-3005; Ohio Rev. Code Ann. § 3113.36; S.D. Codified Laws Ann. § 25-10-20.* A few particularly strong laws provide that there shall be no exceptions to confidentiality of shelter/client communications, even in civil or criminal court cases. *See, La. Rev. Stat. Ann. § 46:2124.2.*

Several state statutes do include specific exceptions to confidentiality protections, particularly where the child's welfare may be endangered by lack of disclosure, or a court would otherwise be unable to adjudicate competing claims. For example, some state statutes provide specific exceptions if a court orders disclosure of record information. *See, Fla. Stat. Ann. § 415.608; W. Va. Code § 48-2C-15.* Other exceptions include child abuse reporting (presumably of suspected abuse or neglect by the shelter client, not by the person whom she is fleeing); *Ill. Ann. Stat. ch. 750 para. 60/227;* to protect against "a clear and substantial danger of imminent injury" by a shelter client to self or others; *W. Va. Code § 48-2C-15;* or, at the staff's discretion, to law enforcement in an emergency; *Fla. Stat. Ann. § 415.608.* No states were identified by our Project as mandating disclosure of confidential shelter records in missing children cases, or including missing children cases as an exception to confidentiality protections.

When a mother flees with children to a shelter, alleging violence by the children's father, two needs may coexist: 1) to allow a court to adjudicate the mother's claims and any competing claim for custody or visitation by the father; and 2) to keep the mother and children safe until (and, if necessary, after) the competing claims have been adjudicated. Confidentiality protections help serve the latter function -- if possible, without preventing the former. Court rules in *New Jersey* and *Washington*, and statute in *California*, address this delicate balance. Under *Cal. Penal Code § 277*, it is a crime to maliciously take or conceal a child against the custodial right of another "without good cause"; however, "good cause" includes "the good faith and reasonable belief by a person with a right of custody of the child who has been a victim of domestic violence by another person with a right of custody of the child that the child, if left with the other person, will suffer immediate bodily injury or emotional harm." In such a circumstance, the person fleeing with the child has an affirmative duty

to file a report with the district attorney and file a request for custody within a reasonable period of time. The address to which the parent has fled "shall remain confidential until released by court order." A possible shortcoming is that no penalties are specified for release of the address in violation of the statute. Nonetheless, according to Symposium participants, where there is good collaboration between law enforcement and shelter personnel, the statute can provide appropriate protections for all parties concerned.

RUNAWAY SHELTER RECORDS

Shelters for runaway youth are a prime source for finding runaway or missing children, as their service population is entirely comprised of that group. Yet runaway shelters also face complex issues in regard to record access or confidentiality. Law enforcement goals of locating a runaway child coincide with the family service aspect of most runaway programs, and with the recognition that children away from parental care are at high risk for crime and exploitation. Many youths, however, report that they have run from parental abuse, and are afraid to let their parents or law enforcement know their whereabouts. Others, particularly in states in which running away is a status offense (or youths believe it may be) fear police involvement, and may turn away from the needed protection that a shelter offers if they learn that the shelter may notify law enforcement. Shelter personnel may wish to cooperate with investigating officers, but may also be concerned about possible negative impact on the youths they serve.

These conflicting issues have largely been balanced both under federal law and the law of many states by requiring notification to the parent in most cases,

but not to law enforcement. If shelter personnel believes that parental notification may endanger the child, staff may simultaneously (or, in some cases, alternatively) notify the state child welfare agency. If law enforcement is searching for the child, and the parents have not been contacted by shelter staff (for example, because the youth provided false parental information), the investigating officer may supply the shelter with the parents' names and phone numbers.

The Runaway and Homeless Youth Act, the federal legislation following this general scheme, requires shelters which receive federal funds to develop procedures to notify parents within 24 to 72 hours of the youth's admission to the shelter. States may develop specific guidelines, and state law does, in fact, reflect some diversity. Some states require parental notification except where there are compelling circumstances, such as abuse or neglect, indicating that the parent should not be notified directly. *See, e.g. La. Rev. Stat. Ann. § 46:1353; N.Y. Exec. § 532-c.* Some states, perhaps recognizing the difficulty of obtaining accurate information from youths and/or locating some parents, require only a "good faith" effort to notify parents. *See Tenn Code Ann. § 10-7-503.* Another variation is to require shelter staff to notify either the parent or law enforcement. *Tex. Rev. Penal Code Ann. art. 4495b.* Where law enforcement is allowed direct access to record information, it may be limited only to use in locating the child. *Ohio Rev. Code Ann. § 5119.*

In several states, no relevant legislation regarding runaway shelter records was identified by the Project. However, state administrative regulations and/or individual shelter policies are likely to reflect the federal requirements of the Runaway and Homeless Youth Act. Although many states protect against disclosure of record information to third parties, no state laws were identified which specifically repudiate parental notification.

RESULTS OF THE SURVEY AND INTERVIEWS

GOALS, RECIPIENTS, AND RESPONSE RATE

Law enforcement officers need to draw on information from many sources to find missing children. In seeking information from agencies which may have served the child and family, law alone does not determine what information will actually be accessible. Agency regulations, policies and practices will also play a role. To help determine actual availability of information from the five types of agency records specified by this Project, staff conducted a survey and professional interviews. The goal was to determine what type of information child welfare, domestic violence, education, hospital, and runaway agencies actually provide to law enforcement officers seeking missing children. The survey and interviews also were designed to identify important confidentiality needs that might preclude the release of information, as well as systemic issues which may presently act as barriers.

The Project mailed surveys to 238 agencies to identify their policies and procedures on the release of record information to law enforcement agents searching for missing children, assess their awareness of relevant laws, determine what type of training their staff members receive on record release laws and policies, and encourage them to express any concerns they might have regarding release of records and/or relations with law enforcement. Survey recipients included, for every state, the umbrella organization overseeing, representing or working with the agencies within four of the five agency types within our study (e.g. for schools, the chief state school officer). For agencies serving runaway and homeless youths, our study surveyed the 10 regional training and technical assistance grantees which serve runaway programs. Additionally, surveys were sent to the 21 private statewide child welfare associations.

The Project received an excellent response to the survey. Forty-two percent of the survey recipients (100) returned their questionnaires. Appendix D contains a complete listing of the responses received by State and describes any special materials provided to the project. The breakout of response rates by type of organization surveyed is as follows:

- 29 of 52 surveys (56 percent) from public child welfare organizations, in states (shown in Figure 1) containing 61 percent of the U.S. population under age 18 (based upon the 1990 Census);
- 26 of 51 surveys (51 percent) from chief state school officers in states (shown in Figure 2) containing 59 percent of the U.S. population under age 18;
- 20 of 53 surveys (38 percent) from domestic violence coalitions in states (shown in Figure 3) containing 47 percent of the U.S. population under age 18;
- 13 of 51 surveys (25 percent) from state hospital associations in states (shown in Figure 4) containing 33 percent of the U.S. population under age 18;
- 6 Of 21 surveys (29 percent) from private child welfare associations; and
- 6 of 10 surveys (60 percent) from training/technical assistance grantees who serve runaway and homeless youths.

An immediate finding of the mail survey was that the associations known as private child welfare associations often had membership including both private and public organizations. To avoid duplicating information submitted by public child welfare organizations, this report does not include information from the

private child welfare association category. Appendix E contains the summary questionnaire statistics for each type of responding organization.

To gain further insight into actual practices and professional concerns, the Project also sought to interview 100 individual professionals working within or in association with the types of agencies surveyed. Forty-three individual professionals agreed to be interviewed. They included:

- 17 public child welfare supervisors and caseworkers;
- 3 directors/workers in shelters for battered women;
- 4 directors/workers in treatment programs for batterers;
- 4 school principals;
- 4 doctors;
- 2 dentists; and
- 9 directors/workers in shelters for runaway/homeless youths.

Although the number of interviews in each category were not statistically significant, the substance of the interviews was useful in gaining a deeper understanding of actual practice and in identifying possible trends.

Together, the survey and interview results suggest that agencies who provide services to children and their families and law enforcement officers need to improve their efforts to work together cooperatively on behalf of missing children, while still maintaining necessary confidentiality.

MEMBERSHIP OF AND SERVICES OFFERED BY AGENCIES RESPONDING TO THE SURVEY

We considered it important to determine the membership of responding state level organizations or coalitions to understand which organizations can offer information to law enforcement on individuals and families who seek help from them. It is also important to understand what services agencies offer because they have records for all of these services.

Public child welfare agencies primarily serve children who have been or are at risk of becoming abused or neglected, and those whose families are unable to care for them and voluntarily place them in foster care. Some agencies are part of larger umbrella organizations that also administer child care and other programs such as youth residential treatment and children's mental health. Some contract with private agencies to provide services. (For example, 38 percent of the responding public child welfare agencies provide child care; 38 percent have foster parent associations; and 24 percent contract with other providers for private nonprofit family services).

State Domestic Violence Coalitions reported that almost all (95 percent) of their member programs provide services for private programs, while only 25 percent provide services for public programs. The primary service offered is emergency shelter and treatment services for women who have been battered by a spouse or partner; additionally, many programs house and serve the adult client's children. Some offer perpetrator treatment programs.

All Chief State School Officers work with public school systems. Approximately 23 percent work with private school systems as well. Some work with vocational-technical schools.

State Hospital Association memberships include private nonprofit hospitals (100 percent) and public hospitals (69 percent).

Organizations that provide training and technical assistance to providers serving runaway and homeless youths all work with private youth serving agencies. Many (83 percent) also work with private nonprofit family service agencies.

Clearly the agencies that responded to the mail survey have a wide array of information about children and their families. Schools and child welfare agencies may be more useful for cases where children are

involuntarily missing, because they provide education/services which are mandatory or over which the parents do not have control. Under certain conditions, the domestic violence programs and programs serving runaway and homeless youths may be a source of information on those who are missing voluntarily, because their services are not mandatory and women and children are not placed in these programs by a court.

EDUCATIONAL BACKGROUND OF STAFF MEMBERS

Often community based organizations, such as those offering help to the victims of domestic violence or to runaway and homeless youths, are perceived as providing many services through the use of peer support. The survey shows that such organizations also employ professionals.

The educational background of professional staff members can be significant since certain professions emphasize the importance of confidentiality. As shown in Figure 5, most organizations employ social workers. The majority also employ psychologists. Most schools employ staff members with education degrees.

Codes of Ethics for some professions encourage professionals to be cautious about releasing information. As shown in Figure 6, this can cause conflict for staff in some organizations. The *NASW Code of Ethics*, for example, requires that the social worker, "...hold in confidence all information obtained in the course of professional service." The *Ethical Principles of Psychologists and Code of Conduct* requires that psychologists "...maintain appropriate confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are

FIGURE 5

PERCENT PROGRAMS EMPLOYING PROFESSIONALS

| Type Staff | Pub Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|----------------|-------------------|-------------------|-----------|----------|---------|
| Social Wrk | 93 | 90 | 65 | 100 | 100 |
| Psychology | 76 | 65 | 77 | 85 | 100 |
| Hum Svcs | 72 | 65 | 19 | 54 | 83 |
| Sociology | 69 | 55 | 15 | 23 | 83 |
| Child Dev | 69 | 45 | 35 | 54 | 50 |
| Education | 59 | 45 | 92 | 54 | 67 |
| Family Therapy | 55 | 30 | 0 | 62 | 100 |
| Nursing | 41 | 10 | 65 | 92 | 17 |
| Psychiatry | 24 | 5 | 4 | 85 | 33 |

written, automated, or in any other medium. Psychologists maintain and dispose of records in accordance with law and in a manner that permits compliance with the Ethics Code." Thus social workers and psychologists have to reconcile these requirements with agency policy and procedures. Other Codes of Ethics, such as those of School Administrators, do not discuss confidentiality.

Survey results show that, of all groups, staff in agencies serving runaway and homeless youths and those serving the victims of domestic violence report the most concern based on their codes of ethics. The conflict

experienced by staff in domestic violence agencies was even more apparent from the interviews conducted with staff. Although only three individuals were interviewed from shelters, all of them felt that the release of information was affected by Codes of Ethics.

FIGURE 6

PERCENT REPORTING CODES OF ETHICS AFFECT RELEASE OF INFORMATION

| | Public Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|-----|----------------------------|----------------------|-----------|----------|---------|
| Yes | 18 | 56 | 28 | 42 | 83 |
| No | 46 | 11 | 44 | 17 | 17 |

ACCESS BY STAFF TO CLIENT RECORDS

As shown in Figure 7, most programs give professionals access to client records. While different types of programs offer differing amounts of access to paraprofessionals, volunteers, and graduate interns, large percentages of staff usually have such access. Those with limited access

include staff in hospitals who are not professionals and volunteers and graduate interns in schools and programs for runaway and homeless youths.

FIGURE 7

PERCENTAGE OF PROGRAMS THAT PROVIDE STAFF WITH ACCESS TO CLIENT RECORDS

| Type of Staff | Public Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|-------------------|----------------------|-------------------|-----------|----------|---------|
| Professionals | 93 | 60 | 81 | 69 | 83 |
| Paraprofessionals | 76 | 60 | 27 | 15 | 50 |
| Volunteers | 55 | 50 | 8 | 0 | 17 |
| Graduate Interns | 55 | 50 | 15 | 8 | 17 |

Interviews suggest that staff members may have even more access than the mail survey revealed. Except for those working in public child welfare agencies and in schools, all of those interviewed felt that they had more access than the mail survey suggested. Figures 8 and 9 show that staff in public child welfare agencies and in schools felt that they had less access

to client/student records than did the director of the state agency. Only graduate interns were thought to have greater access.

FIGURE 8

ACCESS TO CLIENT RECORDS - COMPARISON OF SURVEY/INTERVIEWS

| Type of Staff | Public Child Welfare - Mail Survey | Public Child Welfare - Interviews |
|------------------|---------------------------------------|--------------------------------------|
| Professional | 93 | 82 |
| Paraprofessional | 76 | 59 |
| Volunteer | 55 | 35 |
| Graduate Intern | 55 | 71 |

Interviews are based on small numbers and are not representative

While many staff members have access to information, their willingness to cooperate with law enforcement may depend in part on agency policies and procedures, and the training that staff receive on those policies.

FIGURE 9

**ACCESS TO CLIENT RECORDS - COMPARISON OF
SURVEY/INTERVIEWS (CONT)**

| Type of Staff | Education - Mail Survey | Education - Interviews |
|------------------|----------------------------|---------------------------|
| Professional | 81 | 75 |
| Paraprofessional | 27 | 0 |
| Volunteer | 8 | 0 |
| Graduate Intern | 15 | 50 |

Interviews are based on small numbers and are not representative

TYPE OF TRAINING RECEIVED BY STAFF MEMBERS

Since many records are available in the agencies surveyed and agency staff may discuss the records with other professionals or organizations, we wanted to determine whether staff received training on when and how to release information and whether law enforcement receives any priority.

All child welfare programs and organizations providing training and technical assistance to programs serving runaway and homeless youths offer

training on confidentiality laws, regulations, policies, and procedures to staff. Most hospitals (92 percent), domestic violence organizations (85 percent), and schools (73 percent) also offer such training.

The training provided to staff is not uniform when one looks at the types of staff who receive training. And, while the state or regional level organization surveyed may offer training, the percentages of staff actually receiving training are less in some cases. As shown in Figure 10, areas where professional staff received the least training include those working in domestic violence organizations and those working in programs for runaway and homeless youths. As additional sections of this report will show, these are the organizations that have the fewest written policies and procedures. The lack of clear guidance through the availability of clear policies and procedures and training on how to implement them can result in staff confusion about when and how to release information.

Staff members who were interviewed reported that they received more training than those at the state or regional levels thought that they did, except for child welfare organizations and professionals in schools. Even staff working in domestic violence organizations and programs for runaway and homeless youths reported receiving more training. The survey did not determine the nature of the training, and without clear laws, policies, or procedures in some states and/or organizations, it is not clear what the training includes with regard to confidentiality of records.

FIGURE 10

PERCENT PROGRAMS REPORTING TRAINING RECEIVED BY STAFF

| Type of Staff | Public Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|-------------------|----------------------|-------------------|-----------|----------|---------|
| Professionals | 93 | 53 | 90 | 82 | 67 |
| Paraprofessionals | 83 | 53 | 43 | 55 | 67 |
| Volunteers | 59 | 65 | 0 | 27 | 50 |
| Graduate Interns | 59 | 41 | 19 | 9 | 33 |

The training provided to staff differs. Many agencies provide some training during the employee's orientation. Others provide training by agency counsel, by administrators, and through special presentations. Training provided during an orientation is probably not as detailed as training offered through special presentations or annual updates on laws, regulations, and/or procedures. The amount of training provided to staff by agency counsel, who would be most familiar with legal requirements, varies tremendously, from 17 percent of those working in programs for runaway and homeless youths to 52 percent of those working in child welfare programs. Figure 11 shows the variation in the types of training that staff members receive. Without

adequate training, even when specific guidance does exist, staff members may be unfamiliar with legal, regulatory, and agency expectations with regard to confidentiality of records and the type of information that may be provided to law enforcement.

FIGURE 11

PERCENT OF STAFF RECEIVING SPECIFIC TYPES OF TRAINING

| Type of Training | Pub Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|--------------------------|-------------------|-------------------|-----------|----------|---------|
| Agency Counsel | 52 | 38 | 38 | 36 | 17 |
| Administrators | 72 | 69 | 43 | 45 | 83 |
| Written Materials | 76 | 69 | 33 | 45 | 67 |
| Orientation | 97 | 75 | 14 | 55 | 67 |
| Special Presentation | 72 | 7 | 62 | 45 | 83 |
| Annual Updates Laws/Regs | 48 | 50 | 38 | 45 | 33 |

POLICIES AND PROCEDURES OF RESPONDING AGENCIES

Since training is agency specific, it probably is based in part on what agency policies and procedures address. As shown in Figure 12, only among public child welfare agencies and hospitals do a significant proportion of organizations have written procedures for the release of information from a variety of records. Some runaway shelters also have written procedures. Schools and domestic violence shelters have written procedures primarily for their records--and some do not even have those written procedures (e.g., 29 percent of responding school systems reported that schools did not have written procedures regarding the release of information from student records; 64 percent of the responding domestic violence coalitions said that their member programs did not have written procedures regarding the release of information from shelter records).

It is surprising that more organizations do not have written policies and procedures, because most responding organizations reported an awareness that there were laws relating to confidentiality that apply to them. (One hundred percent of the public child welfare organizations, 85 percent of the domestic violence and education respondents, 83 percent of the organizations providing training and technical assistance to those serving runaway and homeless youths, and 75 percent of the hospital respondents reported an awareness of relevant laws). In the absence of written policies reflecting the agency's legal obligations, it is unclear how consistent guidance may be provided to staff.

When written procedures are available, law enforcement can obtain and use the procedures. When written procedures are not available, agency staff may be unsure of when and under what circumstances to release

information. Law enforcement officials could try, however, to jointly develop procedures with these agencies that will generally allow them needed access while maintaining confidentiality when it is necessary for the well-being of the child.

FIGURE 12

PERCENT OF AGENCIES WITH WRITTEN PROCEDURES ON RELEASE OF INFORMATION

| Type of Record | Pub Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|----------------|-------------------|-------------------|-----------|----------|---------|
| Prot Svcs | 90 | 6 | 0 | 18 | 0 |
| Medical | 48 | 11 | 19 | 64 | 17 |
| Hospital | 31 | 6 | 0 | 55 | 0 |
| Ment H | 31 | 17 | 0 | 45 | 33 |
| Sub Ab | 28 | 11 | 10 | 36 | 33 |
| Student | 24 | 17 | 71 | 18 | 17 |
| Priv Svc | 21 | 17 | 0 | 9 | 33 |
| Police | 21 | 11 | 0 | 9 | 17 |
| Child Supt | 21 | 6 | 0 | 0 | 0 |
| Shelter | 17 | 56 | 0 | 9 | 33 |

Consistent with the conclusion that written policies will make staff more comfortable with releasing information under specified conditions, it is significant to note that public child welfare agencies, already shown in Figure 8 to have the highest incidence of written procedures on record release, also are shown in Figure 13 to be the most likely to share information with law enforcement that they do not provide to others. This

willingness to share information seems to be based on a clear understanding of statutory and regulatory expectations, because 12 of the responding child welfare agencies revealed that breaches of confidentiality in their agencies are punishable by fines and/or imprisonment (see Appendix D). Two other responding child welfare agencies receive some immunity if they release information in good faith.

FIGURE 13

PERCENT PROVIDING INFORMATION TO LAW ENFORCEMENT NOT PROVIDED TO OTHERS

| | Pub Child Welfare | Domestic Violence | Educa-tion | Hospital | Runaway |
|-----|-------------------|-------------------|------------|----------|---------|
| Yes | 66 | 21 | 16 | 8 | 0 |
| No | 21 | 68 | 64 | 67 | 80 |

When survey recipients identified the specific types of information that they provide to law enforcement, once again, only public child welfare organizations consistently provided most types of information as shown in Figure 14. Appendix F contains a matrix showing the types of information, by State, that responding agencies provide to law enforcement, as well as the format in which it is provided. In a couple of responding States (i.e., Indiana and Pennsylvania), multiple agencies provide extensive information to law enforcement, which suggests generally good communications and cooperation between law enforcement and service providers.

FIGURE 14

PERCENT REPORTING TYPES OF INFORMATION PROVIDED TO LAW ENFORCEMENT

| Type of Information | Public Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|---------------------------|----------------------|-------------------|-----------|----------|---------|
| Locate Child | 59 | 11 | 25 | 18 | 0 |
| Ident Missing Child | 44 | 11 | 21 | 18 | 20 |
| Ident Client Harboring | 41 | 11 | 17 | 9 | 0 |
| Assess Danger to Officers | 33 | 11 | 4 | 9 | 0 |
| Family History | 30 | 6 | 4 | 9 | 0 |

Interviews suggest that the release of information to law enforcement may be more extensive than many state level organizations believe, particularly with regard to specific types of information. While 16 percent of the chief state school officers responding to the survey said schools provide information to law enforcement that they do not provide to others, all principals interviewed said their school provides such information. Similarly, 59 percent of state public child welfare agencies surveyed said that agencies provide information to help locate a missing child and/or abductor, but 88 percent of child welfare agency staff interviewed said that they provide such information. Only 11 percent of the state level domestic violence coalitions responding to the survey believe that domestic violence programs provide an assessment of potential danger to law enforcement officers trying to locate a missing child; yet 67 percent of those interviewed who work in domestic violence shelters and 75 percent of those who work in batterer's treatment programs reported that they provide such assessments. Although interviews are based on small numbers of individuals and are not representative, as shown in Figure 15 it does appear that, at least in some areas, individuals in these agencies may provide law enforcement with more information than is expected by state or regional level organizations.

Indeed most of the survey information suggests that organizations and professional try to work cooperatively with law enforcement (agencies in nine States reported that they had encountered no problems with law enforcement officers). Some respondents, however, felt that there were problems when they tried to interact with law enforcement, which could contribute to an unwillingness to share information. All types of agencies surveyed (in other than the nine States reporting no problems) felt that they had experienced some problems, although satisfaction clearly varied by agency type. Domestic

violence organizations and organizations providing training and technical assistance to those serving runaway and homeless youths most consistently felt that they had experienced problems with law enforcement, while very few hospitals reported such problems. This is not surprising since domestic violence organizations exist to serve and protect women and their children and shelters serving runaway and homeless youths serve and protect those youths. The agencies are understandably reluctant to cause those seeking shelter to be afraid that the shelters will put them in danger by releasing information that may cause their children to be removed (domestic violence) or that may cause them to be returned home (youth shelters). California provides an example of what can happen. California law requires that battered women register with the D.A.'s office if she is taking her children to a shelter for battered women. In some counties the child abduction unit is helpful. In other counties, women who comply with the requirement find that the batterer has filed child concealment charges and the D.A. issues a warrant and takes the children.

As shown in Figure 16, the problem most frequently reported was that law enforcement requested information that the agency felt it was prohibited from sharing. Appendix G contains a matrix showing problems encountered with law enforcement, by State, for each responding agency. In some States, according to this matrix, different agencies believe that they have experienced the same problems. For example, at least two agencies in five States believe that law enforcement officials request information they are prohibited from sharing. At least two agencies in two States believe that law enforcement officers are not sensitive to the operational requirements of the agency. Two agencies in two States believe that reunification would endanger the child.

FIGURE 15

PERCENT REPORTING TYPE OF INFO PROVIDED TO LAW ENFORCEMENT - COMPARISON SURVEY/ INTERVIEWS

| Type of Info | Pub CW Mail | Pub CW - Intrv | DV - Mail | DV- Shelt Intrv | DV Bat Intrv | Ed - Mail | Ed - Intrv | Hosp Mail | Doc Intrv | Dent Intrv | Run Mail | Run Intrv |
|----------------|-------------|----------------|-----------|-----------------|--------------|-----------|------------|-----------|-----------|------------|----------|-----------|
| Loc Miss Chld | 59 | 88 | 11 | 33 | 25 | 25 | 100 | 18 | 25 | 100 | 0 | 67 |
| Iden Miss Chld | 44 | 82 | 11 | 0 | 0 | 21 | 50 | 18 | 25 | 100 | 20 | 56 |
| Iden Clnt Harb | 41 | 88 | 11 | 0 | 25 | 17 | 75 | 9 | 0 | 50 | 0 | 78 |
| Assess dang | 33 | 76 | 11 | 67 | 75 | 4 | 50 | 9 | 25 | 50 | 0 | 67 |
| Fam Histor y | 30 | 76 | 6 | 33 | 75 | 4 | 50 | 9 | 25 | 0 | 0 | 44 |

Interviews are based on small numbers and are not representative

Interviews suggested that problems may be more extensive than reported by state level organizations. An exception to this finding occurred in batterer's treatment programs. It appears that the responding programs operate under clear restrictions in some areas and are clear with those who enter their programs about their need to cooperate with law enforcement. Child welfare interviews also were an exception to the general finding that

FIGURE 16

PERCENT REPORTING PROBLEMS WITH OFFICERS

| Type of Problem | Pub Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|--------------------------|-------------------|-------------------|-----------|----------|---------|
| Can't Share Info | 25 | 63 | 16 | 9 | 67 |
| Insensitive-Operations | 17 | 42 | 8 | 9 | 50 |
| Reunif Endangers | 21 | 37 | 16 | 0 | 50 |
| Request Info After Hours | 0 | 31 | 4 | 9 | 0 |
| Slow Resp (Runaways) | 21 | 5 | 8 | 0 | 33 |
| No Problems | 21 | 21 | 28 | 9 | 0 |

those interviewed considered problems with law enforcement more pervasive than did the state level organization.

When organizations and professionals did provide information to law enforcement, we asked how they provide it. For public child welfare, hospital, and runaway organizations, survey respondents said usually the organization would give law enforcement specific information that was requested without allowing a review of the file. Close to half of the domestic violence organizations also felt that this would be the preferred method. However domestic violence organizations said that more often, the client would be encouraged to share information with law enforcement, but could choose not

to do so. Schools more frequently provide limited information on a routine basis, probably in the form of directory information.

Finally, we asked respondents to the survey and the telephone interviews what they would do if they thought that the release of requested information to law enforcement could endanger the child. Public child welfare organizations and schools felt that most often they would discuss the problem with law enforcement. Domestic violence organizations would most frequently move to quash any court order to provide information. Agencies serving runaway and homeless youths would most frequently refuse to release the information. More than one quarter of the schools would refuse to release information in some cases. Hospitals had no clear pattern.

Interviews with staff revealed a fairly consistent approach to releasing information if staff thought the release of information could put a child in danger. Interviews with staff in programs for runaway and homeless youths showed some exceptions. Staff in these programs felt that they would use all options available, including talking with law enforcement, moving to quash a court order or appeal a court order, and/or refusing to release information.

and hospital records personnel working together to develop appropriate guidelines for information release.

Child welfare agency laws typically have both general protections regarding record confidentiality and specific exceptions allowing access to officers investigating abuse or neglect -- but do not specifically mention missing children cases. The Illinois Missing Child Recovery Act, which does allow access in such cases, is a notable exception.

Despite the widespread absence of adequately specific laws, public child welfare agencies had a comparatively high rate of response to our survey, and often reported detailed procedures for responding to law enforcement requests in missing children cases. This good response may reflect the familiarity and concern that such agencies have regarding child safety issues generally. Since child welfare agencies and law enforcement frequently cooperate in investigating abuse and neglect, it may also reflect the benefits of collaboration and regular communication.

Laws affecting domestic violence shelters tend, in general, to protect client confidentiality above reports to officers seeking missing children. This reflects the unique role of shelters in protecting victims of abuse. California law, however, provides a process for adjudicating competing claims by the mother and the father, while simultaneously protecting against disclosure of the child's and mother's location except by court order.

The legal trend of protecting confidentiality appears to be well-supported by providers serving victims of domestic violence. Several State coalitions responding to our survey expressed serious client safety concerns should confidentiality be compromised in any way.

State laws affecting runaway shelters tend to require notice to parents but not to law enforcement. Some States allow shelter personnel to notify either

parents or law enforcement (or either parents or the State child welfare agency), particularly in cases in which the child alleges parental abuse and might be at risk if required to return home.

Our survey showed that service providers to runaways, like those serving victims of domestic violence, had serious safety concerns for their clients. Eighty-three percent of respondents (higher than any other category) reported that codes of ethics applicable to their profession would affect release of information. No respondents reported that the agencies they serve would provide information to law enforcement not provided to others.

RECOMMENDATIONS FOR LAW ENFORCEMENT WORKING WITH PUBLIC AND PRIVATE SERVICES PROVIDERS

When law enforcement agents are searching for missing children, appropriate access to needed records can be maximized by clear and adequate laws. Yet laws alone cannot guarantee that agency personnel will know what records should be released under what circumstances. Clear policies and procedures within the relevant agencies are also essential. Additionally, if the policies are to be consistently followed, staff training is important. Finally, it is essential that law enforcement agents know, understand, and consistently follow appropriate procedures for obtaining needed information.

Law enforcement agencies facing difficulties obtaining needed record information can act pro-actively, thus avoiding future problems and encouraging needed reforms. Specific recommendations are listed below.

CONCLUSION
and
RECOMMENDATIONS

SUMMARY OF FINDINGS REGARDING CURRENT ACCESSIBILITY OF RECORDS

Of all the record types studied, school records tend to be both the most accessible and the most clearly defined and controlled by both federal and state law. "Directory information", such as names and addresses, is accessible under federal law and the law of many states. Many states additionally have "flagging laws" to help identify missing children through school registration procedures.

This unusually high degree of clarity and specificity may help explain why schools had a comparatively high rate of response to our survey and, in their responses, tended to report a more complete understanding of their responsibilities than agencies in other categories. While only 29 percent of the responding school systems had written procedures regarding the release of information from student records, the clarity of the law may have allowed schools in other States to comply without need for elaborate procedures.

Laws affecting hospital records, however, rarely either mention missing children or make explicit use of directory information -- despite logical similarities with school records. Perhaps not surprisingly, given the lack of statutory direction, our surveys showed a particularly low rate of response from hospital associations, and some lack of clarity as to their legal responsibilities. Only 8 percent of the responding hospital associations stated that hospitals would provide information to law enforcement that they do not provide to others.

To address this information gap, it would appear that hospital records are an important priority area for legislative development, perhaps paralleling school record laws. Collaborative approaches may also be useful, with law enforcement

CHECKLIST FOR MAXIMIZING RECORD ACCESS FROM SERVICE PROVIDERS

- Examine existing laws for clarity regarding the release of information about missing children. If the laws are not clear or do not exist, work to change or develop them.

- Request a copy of the agency's policies and procedures for working with and releasing information to law enforcement officers. If such policies exist, use them to determine how to request needed information.

- If written policies do not exist, consider approaching the State entity with oversight responsibility (e.g., the State hospital association) to suggest joint law enforcement/agency development of policies and procedures for handling information on missing children.

- Encourage the agencies with whom you work to provide training on laws, policies and procedures regarding confidentiality and record access as they apply to cases that may involve missing children. If possible, offer to provide trainers on legal and law enforcement aspects.

- Provide training to your own staff on relevant laws, agency policies and procedures. Maintain supervisory control to ensure that agency procedures are followed and cooperative relations are maintained. If problems arise, pursue resolution on an agency-to-agency collaborative basis.

As law enforcement officers learn and follow agency policies and procedures, and/or jointly develop them with agencies when none exist, many existing barriers to appropriate information access may be resolved. Collaborative relations help emphasize the mutual goals of child protection held by both law enforcement and agencies serving the child or family. Indeed, the National Center on Missing and Exploited Children advocates the use of interdisciplinary investigative teams, using the investigatory skills of police and the counseling skills of social workers, in resolving missing children cases. If full-time teams are not feasible, the National Center urges, interagency agreements can be developed allowing the designation of working teams for specific cases.

Law enforcement can help promote the needed collaborative relationships by consistently demonstrating respect and understanding regarding agency concerns. This is especially important in the case of valid agency concerns regarding client safety, such as are typically held by staff of runaway and domestic violence shelters. If agency staff believe that a client will be endangered if a potentially violent spouse or parent is informed as to where the client is hiding -- and they believe furthermore that law enforcement would provide this information directly or indirectly to that spouse or parent -- staff will almost certainly not reveal information on the client's location. If, however, staff is reliably assured that the information will be used for only limited purposes -- for example, to provide access to adjudication of custody claims, or to assure parents that a child is safe -- they will be considerably more likely to cooperate.

Agencies which serve children and families can be a fertile resource for information helping to locate a missing child. A combination of comprehensive laws, specific policies, appropriate training and aggressive collaboration can help make this potential a working reality.

APPENDIX A

Summary of Proceedings of the Working Symposium

**Addressing the Confidentiality of
Records in Searches for Missing Children
Symposium
November 30, 1993**

The American Bar Association (ABA) and the National Association of Social Workers (NASW) convened a symposium at the NASW Headquarters in Washington, D.C., on November 30, 1993. The purpose of the symposium was to present recent legal and social science research findings concerning the handling of confidential records in searches for missing children and to allow leading professionals to explore the implications of these findings and options for making improvements in the way confidential records are handled. (See Appendix A, Participant List.)

The Addressing Confidentiality of Records in Searches for Missing Children Project is a joint undertaking of the ABA Center on Children and the Law and the National Association of Social Workers. The project is funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice (DOJ).

Marianne Takas of the ABA Center on Children and the Law, Project Director, and Deborah Bass, Research Director, National Association of Social Workers, led the discussion. They began by providing symposium participants with a written summary describing project activities. The summary also provided statistical information on the problem of missing and abducted children, drawing on data reported in a recent Justice Department study. The study found that in 1988:

- 114,600 children were abducted or were the subject of an abduction attempt by a nonfamily member.
- 300 children abducted by nonfamily members were held for long periods of time or murdered.
- 354,000 children were abducted by family members.
- 450,700 children ran away and were at risk of abuse or exploitation.
- 127,100 children were thrown out of their homes.
- 438,200 children were lost, injured while lost, or otherwise missing.

The project assesses and makes recommendations concerning access by law enforcement officials to records concerning missing children held by:

- Schools.
- Hospitals.
- Child welfare agencies.
- Domestic violence shelters.
- Runaway shelters.

Begun in February 1992, the project has completed a nationwide study of Federal and State legal constraints and requirements concerning the release of confidential information about missing children. The study included a survey of the types of information held by agencies and organizations, the types of information available to law enforcement officials, and key issues concerning the confidentiality of records. Symposium participants included representatives of the agencies and organizations mentioned above.

WELCOME AND INTRODUCTION

Leila Whiting, Acting Director for Professional Affairs of NASW, welcomed the participants and introduced Ms. Takas and Ms. Bass. Ms. Takas introduced Howard Davidson of the ABA Center on Children and the Law.

Mr. Davidson praised the efforts of Ms. Takas and Ms. Bass. He pointed out that the ABA and NASW had worked together on a project concerning child abuse and neglect 14 years ago. Mr. Davidson briefly described the ABA Center's activities in the area of missing and abducted children and discussed a recently completed, congressionally mandated research project, "Obstacles to the Recovery and Return of Parentally Abducted Children," which describes problems in reuniting children with custodial parents. Copies of a research summary describing this project are available from the Juvenile Justice Clearinghouse. He introduced Project Director Linda Girdner.

Mr. Davidson noted that an additional publication, "Parental Child Abduction, an Annotated Legal Bibliography," is available from the ABA Center. A diskette of the proceedings of the Center's "North American Symposium on Child Abduction" held September 30, 1993 and a related data base are also available from the ABA Center.

Mr. Davidson described a joint research project of the ABA Center and the Center for the Family in Transition of Corte Madera, California, on factors that place a child at risk for a family abduction. One goal of the project is to develop methods for identifying at-risk families and for disseminating research results and recommendations. The project is in the data collection phase and will be completed in 1995.

In addition to its research on obstacles to the recovery of parentally abducted children, the ABA Center will develop a document for use by judges and members of Congress on the nature and extent of the problem of missing and exploited children. The book will contain model State child abduction statutes.

The ABA Center is also embarking on a new project, "Issues in Resolving Cases of International Parental Abductions of Children," which will compare pre- and post-Hague convention cases. Linda Girdner will serve as the principal investigator for the project. Mr. Davidson discussed his recent trip to El Salvador, Guatemala, and Panama to look into laws concerning missing and abducted children in those countries.

Mr. Davidson reported that the president of the American Bar Association recently convened a working group to address the issue of unmet legal needs of children. The working group's efforts resulted in publication of "America's Children at Risk: A National Agenda for Legal Action," a report that has been used by State and local governments as a road map for improving legal services to children.

Turning to the project on confidential records and missing children, Ms. Bass said that the issue is not a simple matter of "finding the child and bringing him back," but rather one of helping all parties, including law enforcement and social service workers, to carry out the mandates of the law while protecting the rights and safety of children and parents.

Ms. Takas said the purpose of the symposium was to provide an opportunity for experts in the field to comment on the study findings and to offer their views on issues raised by the study. She said that the project so far has resulted in more questions than answers and that she hoped a discussion by leaders in the field would identify gaps in existing laws concerning access to confidential records of missing children.

After participants had introduced themselves, Ms. Takas asked them to review the survey of State statutes other ABA staff had compiled and to provide any additional information concerning the State statutes. Ms. Takas explained that the survey of laws concerning access to confidential records of missing children covered the 50 States and the District of Columbia. She noted that identifying applicable State laws and regulations had been difficult; while such laws were sometimes included in State criminal statutes, they also appeared in agency-related statutes and in licensing regulations. In a significant number of cases, State statutes in this area did not exist or could not be found. Researchers employed both electronic and book searches to identify applicable laws. Ms. Takas acknowledged that although the study may not have identified all State statutes in this area, the researchers had tried to determine where there were gaps in information. (See Appendix B, Overheads for Legal Research Presentations.)

Ms. Takas defined the terms "privacy," "confidentiality," and "privilege" as they are used in the study. Custom, she suggested, plays a large part in defining privacy as "the right to control the access that other people have to information about you." Confidentiality, she said, implies the "right to ensure that something you communicate to another, intending it not be repeated to others (except by your permission or for your benefit), not thereafter be repeated to others." More narrowly, privilege implies "the right to ensure that if you communicate something to another, intending it not be repeated to others (except by your permission or for your benefit) that person cannot thereafter testify in a court of law about what you communicated."

Ms. Takas noted that schools were found to possess the most complete laws requiring appropriate access to information about children. The Family Educational Rights and Privacy Act of 1974 (FERPA) requires public schools that receive Federal funds to maintain "directory information" on students and specifies that students' names and addresses may be published freely. The law grants parents, guardians, and adult students full access to student records. However, with the exceptions just noted, student records must remain confidential. Ms. Takas emphasized that FERPA and related Federal regulations apply only to school systems that receive Federal funds. If the mandates are not followed, these systems can lose Federal funds.

Ms. Takas pointed out that under FERPA "left-behind" parents have access to their child's school records. "Even if a court order had been issued to deny the left-behind parent access to the child's records?" someone asked. In that case, the left-behind parent would have to obtain a court order as well, Ms. Takas replied.

In addition to reviewing Federal legislation and regulations, project staff examined State laws and rules in this area. They found that parents have access to their children's public school records without obtaining subpoenas or court orders in all 51 jurisdictions. Only 15 States specifically allow law enforcement officials to obtain information from these records, and then only names and addresses. For 36 jurisdictions, researchers found either no statutes

concerning access by law enforcement officials or references that do not clearly specify legal or regulatory requirements. However, no rules were found stating that law enforcement officials could not obtain such information. Twenty-two jurisdictions including the District of Columbia have flagging laws that alert record custodians that a child has been abducted and require that left-behind parents be informed if someone attempts to obtain the records.

Hospital records are more closely held, the researchers found. Parents have legally mandated access to names and addresses in hospital records in 22 jurisdictions and to additional information in 20; however, law enforcement officials are able to obtain names and addresses in 14 jurisdictions and records on "other information" in 31 jurisdictions. There were no requirements similar to the flagging mechanism that schools employ in missing children cases.

In addition, no States were found to have statutory requirements for child welfare agencies to report suspected cases of missing children to law enforcement officials. However, parents have legally mandated access to information about their children in child welfare agency records in 18 jurisdictions, and law enforcement officials have mandated access to such information in 16 States. In 22 States, law enforcement officials could obtain confidential records if a criminal investigation of abuse or neglect were underway. Federal laws and regulations do not require States to release any information to an abusing parent.

The Family Violence Prevention and Services Act of 1984 includes confidentiality requirements for domestic violence shelters that receive Federal funds. The law requires shelters to "develop and implement procedures for protecting shelter record confidentiality." Records of women who have brought children with them to shelters for battered women may not be released to either the other parent or to law enforcement officials without a subpoena or court order. However, this prohibition does not hold true if the individual with the child is an abuser. In California, persons fleeing domestic violence with children who notify the district attorney of their whereabouts have an affirmative defense against charges of custodial interference.

The Runaway and Homeless Youth Act requires that runaway shelters receiving Federal funds "develop procedures to ensure that parents are notified within 24 to 72 hours of their child's arrival at a shelter." However, States have leeway not to notify parents if it is determined that children are fleeing a situation that would place them in danger.

Ms. Bass began her presentation by showing overhead slides focusing on statistics obtained during study. (See Appendix C, Survey and Interviews on Confidentiality of Records: How Confidentiality Issues Affect Searches for Missing Children)

She explained that the mail survey had been sent to all State public child welfare agencies, domestic violence coalitions, chief State school officers, and hospitals, as well as regional entities funded by the U.S. Department of Health and Human Services (HHS), which provide technical assistance and training to shelters. She said that in addition to examining Federal and State laws, the researchers reviewed policies and procedures because they influence how statutes are implemented. She noted that many professionals who work in the agencies and organizations included in the study have codes of ethics that require staff not to disclose confidential information.

Most agencies reported that they provide training for certain personnel in the area of confidentiality requirements; however, clerical personnel seldom receive this training even though they often have access to confidential records. Many agencies reported that confidential records are not generally available to other than professional staffers but that, in practice, access was not rigorously guarded.

Ms. Bass noted that she was surprised that no written policies and procedures for foster care records had been found at the State level. While HHS requires case records, this appeared to signify that for law enforcement officials, once children move beyond protective custody and into foster care, they essentially disappear unless staff members choose to share information. A participant pointed out that HHS now requires that medical and educational records also be maintained for children in foster care. Ms. Bass remarked that this requirement could lead

to better monitoring. However, she said that it still could be difficult to determine when a child is missing once the child has been placed in foster care.

Another participant suggested that information on policies and procedures may not be available in many States because confidential information would not be released under any circumstances. It was also noted that individuals who work in domestic violence shelters face conflicts concerning requirements to divulge confidential information to law enforcement officials when they fear that releasing such information could result in harm to a client.

In the survey, participants were asked, "Do you provide information to law enforcement that you would not provide to others?" Ms. Bass stated that only child welfare agencies were found to do so. She said there was little consistency in the type of information that might be given to law enforcement officials, but she said it would certainly include information indicating whether a child were in danger.

A participant referred to the "reunification endangers" category listed in one of the overhead slides and asked how respondents viewed the issue when dealing with law enforcement officials. He asked what training individuals receive that enables them to make a judgment about whether a child would be endangered if reunited with family members. This is a real concern, Ms. Bass responded. She said that staff in shelters believe that their primary responsibility is to protect their clients and that if they think that providing information to law enforcement will endanger a client, they will not cooperate. Staff members in shelters often said that they would refer some questions by law enforcement officials to the client, who would decide whether or not to answer them. Many professionals in domestic violence shelters reported that they would go to jail rather than release information that they believed could result in harm to their clients.

PANEL DISCUSSION: WHAT LIMITS DO—AND SHOULD—PROFESSIONAL ETHICS IMPOSE UPON DISCLOSURE?

Panelists were Dr. Gwendolyn Cook, National Association of Secondary School Principals; Dr. Frederick Reamer, Professor, Rhode Island College School of Social Work; Dr. Kudor Snell, Professor, Howard University School of Social Work; and Dr. Jacqueline Glover, Director, Program in Bioethics, George Washington University.

Each panelist was asked to respond to a hypothetical question posed by the moderator, Madelaine DeWoody, Director of Program Development, Child Welfare League of America.

Question to Dr. Reamer: Let's consider a family under protective supervision by a child welfare agency, in which the noncustodial father has now abducted the children from the custodial mother. Suppose that, as part of the services offered by the agency, the parents each received therapy, and the therapist's reports are a part of the agency record. The officer searching for the child would like to read the therapy reports to look for clues as to where the abducting parent might have gone. Is it ethically appropriate to allow this access? Why or why not?

Dr. Reamer remarked that he was speaking from the perspective of a social work educator. He said there were two principal guidelines; one emanated from court orders, statutes, and case law under the legal umbrella, and the other related to prevailing professional norms. The legal umbrella is not helped much by Federal legislation, he said, and it is virtually silent on access to child welfare records in missing children cases.

Many more statutes exist in State law, and most States permit law enforcement access to records on child abuse and neglect cases, but it is rare that the population of missing children is mentioned. Law enforcement personnel gain access to information, however, using the vehicle of court orders. Dr. Reamer stated that there may be emerging case law related to this phenomenon. He cited the duty-to-protect cases and the case most social workers are

aware of—the 1976 Tarasoff case—which established that mental health professionals with access to confidential information suggesting that a third party may be harmed are required to disclose that information even when the client objects. More debate will take place, he said, particularly in cases where the professional learns that an HIV-positive client is involved with a partner who has not been told. Lawyers disagree often on this sort of dilemma, but he predicts case law will soon follow.

Dr. Reamer said that the second guideline, professional norms, is determined by codes of ethics and is an important element in care. But the social work instruction that "the social worker should respect and hold in confidence all information obtained in the course of professional service" appears to be overridden by a second principle that states that without the client's consent "the social worker should share with others confidences revealed by clients only for compelling professional reasons." Without the definition of "compelling professional reasons," this admonition appears to have no meaning under law. It does, however, suggest there are limits. Dr. Reamer was aware of nothing in professional literature on confidentiality issues related to missing children.

He said he has traveled around the country talking with people about these issues and found discernable differences among social workers' views, but a "substantial minority" would support any imaginable option. In a court of law, while there is no clear guidance, he believes the majority of social workers would provide information. In Dr. Reamer's opinion, social workers in general would not have any firm guidelines to follow if a third person were at risk.

Question: Suppose a hospital treats a woman for injuries consistent with spouse abuse; the doctor is informed by the woman that her boyfriend inflicted the injuries and that she has left him and is, in fact, hiding from him. She gives her new address on hospital registration forms. Later a police investigator searching for the mutual children contacts the hospital seeking address information. Is it ethically appropriate to provide this information? Why or why not?

Dr. Glover, director of the Program in Bioethics at George Washington University, answered that the presumption is very strong that the information is never provided. She would make a clear distinction between the law and ethics; that is what she does in her profession. Dr. Glover would never turn to legal statutes to determine what is morally appropriate. She regards the law as the "basement" of moral obligation. She reported that in a pluralistic society people can usually all agree, minimally, on what is morally required of decent citizens, and hospital staff have a very strong moral obligation to keep confidences.

"By what authority, then, does one act?" she asked. At the heart of the question, Dr. Glover contended, is whether a professional really does know best. This concept comes into direct conflict with the belief that people are the authors of their own lives. People take a risk when they allow themselves to believe that professionals know more about what should happen to them than they themselves do, she declared. If, under the guise of helping an individual, a professional divulges confidences, he or she shows lack of respect for the individual.

Furthermore, Dr. Glover said, hospitals and doctors' offices need to be safe havens, because if parents don't feel that they can come to a doctor, children are at risk of not getting medical attention. She declared codes of ethics of limited usefulness; they are "lists of wonderful ideas of things strongly presumed" that should serve as a guide, but they can conflict, and it is not easy to know what to do when ideals conflict.

There are obligations to keep confidences in most codes of ethics, but most would also guard against hurting third parties. This presents a clear conflict, Dr. Glover said, but she believes that the presumption of confidentiality gives way in the face of harm. Doctors hold so strongly to this ethic that if, for example, a doctor cannot persuade an HIV-infected person to tell a partner, the doctor would. In sum, the argument of harm can override the question of confidentiality.

Dr. Reamer suggested that the child be considered the patient, and Dr. Glover said that in this case, while the idea of confidentiality would not be ignored, the concern would be different than for adults. Automatically, protection of the child would be the prime consideration, she said. Yet there are still obligations about secret-keeping; the decision would hinge on what is the greater harm, to tell or not to tell.

Dr. Glover said there may be some good reasons to override confidentiality, but she sees the process eroding and expressed concerns about the issue. Her view is that the American Medical Association's code appears to be, "Keep peoples' secrets unless the law tells you not to."

Dr. Reamer added that from his perspective the norms regarding confidential information have recently shifted dramatically. He remarked that had he posed the same question to professionals 10 years ago, the respondents would have said, without qualification, that they would not disclose. Now there are challenges to this norm in recording laws, and all professionals' thinking has changed about confidential information. Paramount in the minds of practitioners is the fear of lawsuit. AIDS in particular, he said, has created challenges to confidentiality norms so that professionals think very differently now, and the line to be crossed to disclosure is much finer. Norms are not frozen in time, he said, but shifting.

Dr. Glover countered that she views the norms as eroding, not shifting. She cited increasing computerization as a reason for nervousness. Routinely, she argued, patients sign away their confidentiality rights to insurance companies. The attitude that professionals can make judgments about others' needs for confidentiality, she suggested, implies the professional thought, "This is not going to have to concern me"—an "us-them" mentality she deplored.

Dr. Glover said that the best interests of the child are at issue. Saying she resists "rights language," because "arguing that way doesn't get you anywhere," she asked, "What is a right?" "It is a justified claim, and you need to go back to the principles that justify the claim," she answered. Rights language, "the right to die, the right to life, the right to

privacy, the right to choose," she feels, paralyzes moral discourse, so the focus must be on the best interests of the child.

The argument moves to the ethics realm, not the moral realm, because it involves personal perceptions, Dr. Glover argued. She defined morality as "what all of us employ when we make decisions." Ethics is "stepping back and deciding systematically—did it make sense to disclose to the law officer in this case?" The systematic approach helps determine where the threshold is set based on reason. She acknowledged that often she is glad the law has been silent on a topic, because reasoning leaves space for people to get together in good faith as professionals to figure out how to balance competing claims.

Question: Suppose a therapist is providing weekly family therapy to a mother and two children and also sees the mother individually twice a month. The therapist learns that the mother previously left the State where the father lives and is now concealing the children's whereabouts. She has falsely told the children that their father is in jail and wants never to see any of them again, and adamantly refuses either to reopen contact or to tell the children the truth. The children seem upset about the lost contact with their father, but otherwise they receive good care from their mother. Is it ethically appropriate for the therapist to report this as a possible child abduction to law enforcement? Why or why not?

Dr. Snell, a professor at the Howard University School of Social Work, answered that his compelling instinct would be to guard his client, and that he would not consider it ethically within his responsibilities to reveal the children's whereabouts, as long as he is assured they are in good condition. As a therapist, however, it would be his responsibility to help his client tell the children the truth. He would empower and support the mother in dealing with the issue. If physical abuse was involved, he would be concerned about what steps the client had taken and would advise her to document the fact that she had taken them. If, however, there was third-party evidence that she was abusing the children, that would change his view.

Further, if a crime was involved and there was a warrant out for his client from another State, he would reveal his client's whereabouts, but only if he was required to do so legally. He still would not consider it his responsibility to report his client, but he would encourage her to do the legally responsible thing. If law enforcement asked him if the woman was his client, he said he would *not* disclose the fact and would have no qualms about it.

The view of Mr. Peery, an investigator in the Kern County, California, district attorney's office, was that by doing this, Dr. Snell had effectively taken both parties out of the system and would be supporting someone in the "active commission of a crime." He explained that the reason the woman would have to report her children to the district attorney's office in California would be so that the matter could be taken to court where both sides of the issue could be heard. The district attorney would not take either side's part, Mr. Peery added.

Dr. Reamer said he thought social workers would disagree widely on a case like this. Some would argue that if a client is in active commission of a crime or about to commit a crime, there is a duty to disclose it, but others would say it would have to be a *serious* crime, which introduces value judgments. Most social workers in his experience would not disclose a *past* offense, he observed.

A balance must be struck by any medical person or social worker involved in this situation, said Dr. Glover. If everyone is a policeman, everyone has to report, but the greater good to be served needs to be considered. Practitioners who are not law enforcement officials would have to make that decision, doing what their set of values tells them is for the greater good of the individual and society.

Question: Suppose a child confides to a school counselor that he "used to have a different name, back when we lived with Mommy?" When questioned further, the child refuses to say more and in fact denies ever having had a different name or a different living situation. The child appears well-adjusted and happy, both at school and in his discussions of his home life. What is the counselor's ethical obligation, if any?

Dr. Cook, of the National Association of Secondary School Principals, said that schools have administrative procedures that must be followed; it would not be a matter of a counselor's ethics. It is likely that the principal would see this as an administrative problem. For example, does the child live within the catchment area of the school? To investigate whether the child lives in the proper zone, the birth data and residency records submitted by the parent who enrolled the child in the school would be examined.

Dr. Cook observed that there are blended families with step-parents and other relationships that might account for a different name. A counselor would not automatically be alarmed if a child's name was different earlier. A teacher might take a different tack because the teacher would have more exposure to the child and be better able to determine if he or she was well-adjusted. A school nurse could also question if enrollment procedures had been followed.

Dr. Cook had looked at the same situation in Maryland where the administrator's response would differ in terms of notifying a parent depending on the nature of the confidence. She referred the participants to her handouts, including a statement of ethics for school administrators (see Appendix D).

Dr. Reamer returned to an earlier remark made by John Melcher of Montana that many of these cases boil down to a clash between the instinct to protect privacy on the one hand and to protect children on the other. He again said case law would be helpful in determining some precedents and principles. He recommended a *Suffolk Law Review* article by Marjorie Lewis in, he guessed, 1986, that summarized case law on the tension between confidentiality and the duty to protect. He also referred the group to a publication, *Confidentiality and Collaboration, Information Sharing in Interagency Efforts*, which he said does not concern missing children but does contain relevant material and deals with exchange of information among child welfare agencies. The publication contains memos and letters of understanding and was jointly published by Joining Forces, of the American Public Welfare Association,

the Center for Law and Social Policy, the Council of Chief State School Officers, and the Education Commission of the States.

The discussion continued among members of the group at large. Pat Hoff wondered how lawyers would deal with clients who are suing to get information on missing children. In some suits, the abducting parent was found, and the address information about a child was revealed because the attorney-client privilege had to give way to the best interests of the child, she remarked. Many other professionals face similar problems.

A shelter director commented that she would not reveal information to a police officer because she could not feel certain that would be in the best interests of the child. Another person responded that there are times when disclosure is out of his hands—a judge has ruled or a subpoena has been issued. There are opportunities to broker how matters are handled when a police officer inquires, said the first. She said she would work with the mother who had abducted the child to help her do the brokering; she does not want to be judge and jury.

The problems social workers face when they are being pulled between two systems, legal and child welfare, were discussed. Children are sometimes abducted for their own protection, but it is not always clear if the parent is actually fleeing abuse, it was observed. Some said courts were callous in moving children among family members. Mr. Peery reported that the district attorney's office can work effectively with domestic violence personnel. Police officers aren't "the bad guys" anymore, he declared. As the father of six, he would never return a child to a dangerous situation.

Dr. Cook said that school administrators were more likely to be in compliance with the law because of the administrative procedures they must follow. Dr. Snell said that confidentiality was critical but that individualization of cases was, too. Each case has to be considered on its own merits; there is no universal answer, he said.

PANEL DISCUSSION: LAWS, POLICIES, AND PROCEDURES THAT WORK

Panelists were Ron Ellis, Chief of Staff, Illinois State Police Training Academy; Judy Schretter, General Counsel, National Center on Missing and Exploited Children; John Melcher, Legal Counsel, Montana Department of Family and Children Services; and Gaylon Nettles, State Attendance Officer, Indiana Department of Education. The moderator was Marianne Takas of the ABA.

Ron Ellis began the discussion by saying that Illinois had introduced a flurry of child protection laws in the 1980's. The first was the Intergovernmental Missing Child Recovery Act in 1984, which represented the birth of the I-SEARCH program (Illinois State Enforcement Agency to Recover Children). The act also mandated that State police administer the program. The first allocation of \$2 million went in grants to local governments to start I-SEARCH units; 286 units of all sizes were formed, some of them multicounty units involving people from government, education, and medicine who can network among themselves. The mandate covers missing and exploited children issues including sexually abused children, child pornography, runaway children, and teen suicides. Administrators who have information about a missing child must notify the State board of education, the State police, and the agency that filed the missing child report.

The second law was the Missing Child Records Act, overseen by Public and Vital Records, which requires the flagging of birth records of all children born in Illinois who are reported missing. About 900 to 1,000 cases per week are sent to Vital Records. A flagging letter on the child is sent to the county clerk and the State repository. An individual requesting a child's birth records must present photo identification. If the record is found to be flagged, the requester is informed the record must be mailed to the requester's legal address, presumably the child's address. If it is determined the child is still missing, the person who requested the records is sought. Mr. Ellis noted that over 220 children have been recovered using birth records, and the agency has consistently cleared 98.8 percent of its cases since inception of the act.

Schools require a certified copy of a child's birth certificate within the first 30 days of admission. If none is produced, the school must notify the State police, who check the name through State and national systems to determine if the child is missing. Schools must also flag records when a child is reported missing, so that if records are requested, a search may be instituted. Schools must also request transcripts from the child's previous school within 2 weeks of entry into the new school.

I-SEARCH covers eight States, including Illinois. Since provisions in other States vary widely, interstate agreements are needed. One has been negotiated with Iowa, and others are being worked on with Missouri and Indiana. The agreements will include Wisconsin, Kentucky, Ohio, and Minnesota.

Judy Schretter, general counsel for the National Center for Missing and Exploited Children (NCMEC), described her organization's role with States. She said that 43 States and the District of Columbia now have missing children clearinghouses that maintain records, provide training to law enforcement officers, and serve as a resource for other States conducting a search. NCMEC is working with the remaining States to establish clearinghouses. Ms. Schretter said that budget constraints are having an impact on funding.

Training, which constitutes an important NCMEC function, must occur continuously because the turnover of police officers working in the area of juvenile justice is high. OJJDP has funded the Missing and Exploited Children Comprehensive Action Program, a multidisciplinary approach involving law enforcement, mental health agencies, the prosecutor's office, and other community services that work together and meet regularly to help each other.

Ms. Takas asked why only 22 States have flagging laws and if something was being done about the other States. Ms. Schretter referred her to a NCMEC publication, *Selective State Legislation*, that describes each State's regulations. One of her functions, she said, is

working with State legislators to refine State laws. She also noted that clearinghouses work with legislators to determine what is lacking and to identify needed improvements.

Gaylon Nettles, State attendance officer for the Indiana Department of Education, was asked by Ms. Takas how well flagging rules work in actual practice in Indiana. He replied that as in Illinois, Indiana State police operate a clearinghouse and are mandated to receive information. The Indiana State Department of Health, which flags birth certificates and dental records but does not necessarily forward them, is also involved. School records must be forwarded, however, and when requested records are flagged, the clearinghouse is notified. State police say the process is working well. He noted that in Indiana, 98 percent of missing children are classified as runaways.

For some children, school records either do not exist or are not so accessible. For instance, Mr. Nettles said that in Indiana all jurisdictions have some provision for home education. A parent must register a child but may elect to educate the child at home. In such a case, Indiana has no access to school records about the child. Dr. Cook reported that in Maryland only the number of children in private schools, not the names, must be reported to the State.

Ms. Takas asked Mr. Ellis and Mr. Nettles to discuss the relative merits of forwarding versus not forwarding flagged school records. If State police had flagged them, Mr. Nettles said, the school would do as law enforcement asked. Mr. Ellis said he would want the records forwarded because withholding them could send a signal to the abductor that a search had been mounted.

According to Ms. Takas, the Montana Department of Family and Children Services was the only questionnaire respondent reporting excellent relations with law enforcement.

Mr. Melcher said that one of the advantages of rural communities is that people are familiar with one another. However, some areas in Montana are so isolated that it is a good State to abscond to. However, favorable interagency cooperation makes it possible to exchange

records between law enforcement and the county attorney, particularly if they are related to child abuse or neglect. Law enforcement is represented on child protection teams. Montana has county interdisciplinary information teams that are authorized to talk with families or foster care with or without a court order. Mr. Melcher reported that his agency is also responsible for juvenile correction programs. There is a high degree of access to records as a result of interagency cooperation.

Mr. Melcher said that people do get angry and question how records can be sealed or otherwise kept confidential. He added that in Montana records on substantiated abuse and neglect cases are retained until the minor child reaches age 21.

Mr. Melcher stated that there is parental concern about what information schools may release and to whom. He believes that from parents' perspectives issues of confidentiality are more critical in small communities. Community groups composed of attorneys, probation officers, schools, welfare departments, law enforcement officials, and judges function well in those communities, but he pointed out that the judge, who can obtain information by court order, is the critical player.

Lynda Eubank, assistant chief of the Arlington County Division of Social Services, stated that no statute could work well if it was not supported by policies and procedures. She suggested that the Illinois administrative procedures for flagging would be of interest to other States.

Judy Schretter of NCMEC reported that flyers on missing children were often successful. She also said that advances in the computerized age progression process were resulting in accurate depictions of long-term missing children.

Participants were asked about other methods of identification. A Virginia law was cited under which parents are notified when a child does not appear at school. Another effective method involved tracing an abductor who applies for welfare.

PANEL DISCUSSION: EFFECTIVE INTERACTIONS WITH LAW ENFORCEMENT

Panelists were Jim Payne, Legal Counsel of Covenant House in New York; Lynda Eubank, Assistant Chief, Arlington County, Virginia, Division of Social Services; Ruben Rodriguez, Senior Case Analyst, the National Center on Missing and Exploited Children; and Ron Ellis from the previous panel. Deborah Bass of NASW moderated the panel.

Jim Payne reported that State statutes control shelters for homeless and runaway children. In his view, this means "thou shalt not tell" for any reason at all and has led to a difficult relationship between shelters and the police. Relationships between Covenant House and the police have improved, which he attributes to increased communication between him and law enforcement officers. Another was that the shelter's chief of security was a former homicide detective. Together they were able to open lines of communication with the police.

A missing person in New York City between the ages of 18 and 21 may decide whether or not a parent is notified, but if the person is under 18, notification is required. Mr. Payne's arrangement with the police department is that he will confirm the presence of an individual if, reciprocally, the police do not tell anyone seeking the missing person where the person is, imparting only the information that the person is safe. This saves the police a search, he said, and builds rapport.

Mr. Payne said it is important to understand who one is protecting and from whom. There are existing ways to help and still protect confidentiality. Mr. Payne is not obligated to tell police if someone in his charge has admitted committing a crime. However, if the police have a warrant and call to ask if the individual is there, he offers to help the person surrender with a lawyer at hand.

About 25 percent of those in Covenant House are being sought by police, he said. The average stay is 17 days. Approximately 100 people in a long-term living program stay 18

months to 2 years. Mr. Payne discussed how he encourages young people who are wanted by police to surrender, while still preserving their rights.

Lynda Eubank, assistant chief of the Arlington County Division of Social Services, said that in Virginia multidisciplinary teams have been working together for over 20 years. She reported an ongoing relationship between her agency and law enforcement. A recent Virginia State law required the merging of four funding sources related to children. Foster care, juvenile justice, shelters, and other youth-serving agencies must work together.

The planning process involved schools, social services, and the courts, all of which jointly developed policies and procedures. Despite broad differences, Ms. Eubank said, the parties developed policies and procedures that involved the whole family. Since the procedures have been implemented, not a single issue has been referred to the courts, she reported.

Ms. Eubank said there has been little work with missing children because the system is not equipped to respond. Her agency will inform law enforcement when there is no information at all, and if there is information, she suggests that law enforcement officers tailor their questions to the information that can be revealed. This builds the mutual respect that makes negotiation possible. Virginia does not yet have flagging laws, which she would like to see instituted. She would also like to see more joint activities, notably in the area of training.

Ron Ellis of the Illinois State Police Training Academy was asked to describe the types of cooperative relationships that existed before the new Illinois legislation was enacted and how the legislation has enhanced them. He was also asked to list suggested changes, cognizant of client safety, confidentiality, and the information needs of law enforcement.

Mr. Ellis answered that prior to legislation, the working relationship depended on "who you knew." He recounted his early work with a shelter care group and how they worked together as a multidisciplinary team. Most services were provided on a multicounty or county-by-county basis, so difficulties emerged in cities where missing children did not have

a high priority. In order to remedy this, law enforcement personnel developed informal professional relationships with hospitals and schools.

Despite the legislation, Mr. Ellis said there are still problems, some of them caused by overzealous police officers who penalize counselors who refuse to provide information. This negative approach is discouraged in law enforcement training, and interaction is encouraged. This collaboration is working particularly well in child abuse situations, he said.

Ruben Rodriguez, senior case analyst for the National Center on Missing and Exploited Children (NCMEC), was asked to discuss law enforcement use of NCMEC. He said that with some 17,000 police departments in the United States, 75 percent of them having 30 officers or less, tracking resources are limited and expensive. Use of the National Crime Information Center costs about \$800 per month and sometimes is simply not cost effective. Intelligence organizations within police departments use the service. He advocates a task force approach, whereby an agency teams up with the county sheriff's office or State law enforcement to use NCMEC.

NCMEC is a resource agency, not an investigative agency. Law enforcement's job is to investigate reports of missing children. NCMEC's job is to provide information to police officers to facilitate the investigation. When NCMEC receives calls, the system is checked for information. If the child is not in NCMEC's system, the caller is referred to a law enforcement or other agency in their area.

Mr. Rodriguez recalled that when he was a law enforcement officer, he gave a low priority to missing children. Now his view has changed completely. He places whatever capabilities and facilities he has at his disposal to help officers find and recover a child.

When asked how an officer from a small force could use NCMEC services, Mr. Rodriguez answered that the missing child must have been reported to NCMEC and that there must be an outstanding warrant for the person who is presumed to have abducted the child. He

explained that once information on a child is in the system, a case manager is assigned to work with the parent, social services, and police.

David Peery, an investigator in the Kern County, California, district attorney's office, pointed out that in California NCMEC is not used until the case becomes a criminal case. He noted that out of 400 abduction cases in a year only 30 warrants were issued.

Ms. Bass asked what kind of collaborative structure is in place to handle volatile situations where an abduction is likely to happen again, Mr. Ellis, chief of staff of the Illinois State Police Training Academy, answered that in Illinois orders of protection may extend for periods of up to 2 years. Supervised visitation rules or additional measures may be taken to keep children from being taken out of State. Custodial parents are told to have a certified copy of custodial and visitation decrees on file, along with records at school or wherever it may be necessary to clarify who has rights to pick up a child. Bonds may also be placed against an abductor, and in some cases there have been civil actions to recover the cost of the return of the abducted child. Mr. Rodriguez pointed out that Lloyds of London is planning to market an insurance policy to cover the costs of finding and recovering children.

Mr. Peery stated that in California the costs incurred in finding and returning abducted children are levied by police forces against the abducting parent. For some this is a deterrent, he said. He stressed that there is no free help or custody advice for left-behind parents aside from information available from the district attorney's office.

Mr. Ellis said that out of 41,122 cases of missing children, most are runaways; in Illinois only about 2 percent are parental abductions, and fewer than 1 percent are stranger abductions. The last category comprises children who are wanted for crimes and so are found not in the missing persons files of the national computer data base but in the wanted file. Sometimes it is unclear whether a person is being sought as an offender or as a victim.

PANEL DISCUSSION: CASES INVOLVING FAMILY VIOLENCE: WHAT ARE APPROPRIATE PROTECTIONS?

Panelists were David Peery, Investigator, Kern County, California, District Attorney's Office; Irene Westbury, Executive Director, Haven Women's Center, Modesto, California; Joan Zorza, Staff Attorney, National Center on Women and Family Law, Washington, D.C.; Craig Norberg-Bohm, National Chair, NOMAS Ending Men's Violence Network, Arlington, Massachusetts; Robin Nixon, Director of Transitional Living, Residential Youth Services, Alexandria, Virginia. The moderator was Jim Payne, legal counsel of Covenant House in New York City.

Irene Westbury was asked to answer a hypothetical question about what action, as a shelter operator, she would take upon being contacted by a police officer seeking a mother who has fled to the shelter and claims physical abuse to both her and the child by the father. The mother does not have a custody order. The police officer informs the shelter operator that the father has had an *ex parte* court order issued giving him immediate temporary custody.

Irene Westbury would give the standard response, "I'm sorry, I'm unable to confirm or deny whether we have had any contact with that person." She stated that her first obligation is the safety of the battered woman and the safety of her child. If the child is not safe, the woman does not feel safe. Women often come to a shelter for the first time when they realize that their children are also being abused. Children are not likely to seek help from mothers if they see they are not safe, Ms. Westbury stated. Eighty percent of children who come into shelters have also been victims of abuse, she said, and a California statute now considers it "emotional harm" if a child witnesses a parent being abused.

Given her position, Ms. Westbury said that, if subpoenaed, she should not necessarily release records and would be prepared to go to jail rather than release a file. According to a California statute, she as a shelter director can go to jail for 6 months and face a \$1,000 fine for breaking confidentiality. Ms. Westbury says her organization works within the confines

of the system to support the mother, but if the mother does not have a custody order she will never be safe.

According to Ms. Westbury, the law in California states that if a mother, fleeing domestic abuse, reports her whereabouts to the district attorney's office and asks for custody "within a reasonable period of time," she cannot be charged with abduction. Whoever has custody retains custody until the case goes to court unless it is established that the child is in danger.

Joan Zorza, a staff attorney with the National Center on Women and Family Law, noted that every State has different laws on the subject and mentioned that there are also two Federal laws, the Family Violence Prevention Service Act, already discussed, and the Victims of Crime Act. She agreed that most shelters would follow Ms. Westbury's confidentiality guidelines. Despite misconceptions, shelters do many things:

- They treat and service far more children than they do women.
- They operate children's programs and schools.
- They shelter children who have been sexually abused.
- Young women, abused by boyfriends, also come to shelters.

She emphasized that shelter care providers must come to terms with what most batterers are like. They abuse in many different ways, including manipulating the system, the children, and anyone else they can. They make many false accusations and shift the burden from themselves to the woman, making false allegations of abduction. Ms. Zorza contended that in most States it is very easy for the abusing parent to get a custody order. She maintained that many statutes reward men for making false allegations such as "friendly parents" provisions

and joint custody preference or presumption laws¹. She supported not disclosing the information regarding a sheltered woman.

David Peery, investigator from Kern County, California, and a 20-plus-year veteran of the Los Angeles Police Department, cited the California statute that requires a parent removing a child from a home to report this to the district attorney's office. He said that many positive things have come from the Alliance Against Family Violence working together with his office, including the provision that every woman who enters a shelter with a child is asked to write a letter to the district attorney's office. The parent, not the shelter, does the notification. The information is treated confidentially; he said he would never release information on any mother in a shelter to any father who came to his office.

If a father comes in with an *ex parte* order, he would arrange for the mother to seek a modification so the court could hear both sides. He also arranges to discretely meet a mother and serve papers so her whereabouts are not revealed. Usually, he said, a woman with a child enters a shelter because of abuse. His job as a law enforcement officer is protection, and he would not enforce the custody order at this point.

Craig Norberg-Bohm, national chair of the Ending Men's Violence Network, was asked what he would do about a father who was a therapy client and abducted a child; the mother is seeking the father and child with the aid of the police.

¹Note by Marianne Takas: A "friendly parent" provision in a custody law requires a judge to consider as a preferential factor which parent would be more likely to grant frequent access to a child by the other parent if granted custody. A joint custody preference law states a legal preference in favor of granting joint custody if requested by either party. A joint custody presumption law is even stronger in favoring joint custody; it creates a legal presumption that joint custody is in the best interest of the child, which must be rebutted by any parent opposing joint custody. All three types of laws have raised serious concern in the battered women service community as each may make it difficult and possibly risky for a parent to oppose full access to a child by an abusive parent.

Mr. Norberg-Bohm pointed out that, to receive services from a program in the Network, the father would have to be in the program voluntarily; otherwise he would be working with a court officer. The difference between programs serving batterers and those serving victims is that batterers have limited confidentiality protections. Some court-ordered programs even specify a nonconfidentiality arrangement, he said. Mental health clinics operate differently but may deal with the same clientele.

Sometimes an arrangement must be established through the court for a father to enter the program. Anyone joining the program, voluntarily or otherwise, is required to sign a release. Usually the client is an individual who wants to be a better parent. The goal of the courts is to protect family members, and therapy programs can help batterers avoid future violence, Mr. Norberg-Bohm said. Using confidentiality to shield a person who later committed a crime against a child would not serve those goals.

Ms. Westbury, executive director of the Haven Women's Center in Modesto, California, stated that the work begins with requiring the client to report to the district attorney and explaining the consequences if that procedure is not followed. It is the client's decision whether or not to cooperate. A sense of trust is built, because the shelter staff are often the first people who have listened to the woman. Shelter personnel realize their power; women often come to believe what they are told at the shelter is in their best interest. Shelter personnel allow the woman to make choices, Ms. Westbury noted.

The purpose of the district attorney's involvement in California is to provide an affirmative defense. If the person does not report fleeing with the children, he or she loses this defense. Warrants are not issued immediately upon report, but efforts are made to get both parties into court. Ms. Westbury emphasized that only if there is effective law enforcement working with a women's shelter can the statute function properly.

Mr. Peery described a 13-page questionnaire, which must be filled out in the district attorney's office and helps determine if there is a serious problem. Under penalty of perjury

the abductor must sign the questionnaire and is made aware that costs may become his or her responsibility. Criminal charges have been filed against parents who make false allegations. Part of the statute also stipulates that no differentiation be made between custodial and visitation rights. A custodial parent who denies visitation to the other parent is equally in violation of the statute. Mr. Peery noted that the proportion of males and females who abduct is almost the same: about 53 percent men and 47 percent women.

Robin Nixon, director of transitional living for Residential Youth Services in Alexandria, Virginia, said that similar reporting rules apply to minors. However, she emphasizes education and therapeutic intervention when a child arrives in crisis. An effort is made to demonstrate to children that they are not powerless, but they are told from the outset what the requirements are.

A runaway shelter that has established a positive relationship with child protective agencies will have many mechanisms for engaging a family. They are in the position of representing the realities of their situations to the teenagers. Historically, Ms. Nixon said, it is the child who is placed out of the home and the one deprived of his or her home because of someone else's behavior.

Ms. Nixon explained that her agency assists children in making the required phone calls; the staff tell them what is required. It is difficult for young people to communicate in a way that will secure the services they need and are entitled to, she said. Priority is directed to younger children since adolescents can at least make the choice to leave an abusive situation—even if it means having to live on the street. It is more difficult to deal with 16- or 17-year-olds, because they tend to fight back and to become borderline cases for the system to handle.

Ms. Nixon noted that it is the unofficial policy of their department to shelter young homeless women with children. In shelters mothers must often be separated from their children because of environmental conditions and licensing restrictions. This differs broadly from the

situation Ms. Westbury has to face in California. Her shelter cannot accept anyone except adults or fully emancipated minors. She will, however, go to a judge under an emergency provision to ask for leniency to shelter minor females with children who have been battered.

Mr. Payne asked panelists to offer any concluding comments.

Mr. Peery referred to the study by Ms. Hoff and Ms. Girdner and agreed that when trying to recover missing and abducted children, a law enforcement official may deal with a judge unfamiliar with many of the case laws. He emphasized the importance of educating involved professionals.

Irene Westbury expressed the recognition that professionals have the same goals. They are equally concerned about the children and believe that confrontation needs to be eliminated and common ground established.

Ms. Zorza said that training about domestic violence is desperately needed because most do not understand its complexity. She perceived the system to be directed against poor people and women. This project, she felt, followed that trend. Records that would be more likely to help locate fathers, such as military and social security records, were not a focus of this project. In general, she added, law enforcement seems to search more rigorously for women who flee with their children than for male abductors. Another participant said that the focus had to be on finding the child rather than on focusing on one parent or the other.

Dealing with batterers, said Mr. Norberg-Bohm, is a different matter. The battered is going to appear more times than not to be nonviolent and a "very regular sort of guy." The only way to know how violent he can be at home is to learn from others, as people are very different in private and in public.

Robin Nixon said she did not want to place the burden of intervention with adolescents on already overburdened social service agencies. She also said work is needed to help teenagers

make the right choices. She hoped law enforcement would see runaway shelters as a first line of defense and intervention. They have been successful in reuniting families and preventing repeated runaways. Collaboration with other agencies is absolutely critical, she added, and other participants concurred. The law should define agency roles and help practitioners use agencies and resources effectively.

Marianne Takas conceded there were differences of opinion on which were the most important of the day's conclusions or its key element. Her understanding of the most commonly voiced theme was the need for good laws and collaboration. Poorly defined laws and poor collaboration both guarantee problems.

Ms. Takas stated that she and Deborah Bass noted emerging patterns when they compared their work on survey results and the laws. For example, she said, if laws are clear—as they tend to be in regard to schools records—people reported better working relationships, more training, and more innovation within the legal framework. If laws are unclear, as they often are in hospitals, she suggested, there were fewer responses and those who did respond were more negative on collaborative relationships. She concludes that clear laws and collaboration reinforce each other.

Ms. Takas asked participants to maintain contact and to convey any additional suggestions, policy recommendations, or information needed by law enforcement. She thanked the participants, and the meeting adjourned at 5 p.m.

APPENDIX B

**Numbers of Jurisdictions Allowing Record Access
or Imposing Reporting Requirements
in Missing Children Cases
(By Type of Record)**

School records:

Number of jurisdictions allowing access
without subpoena or court order

| | Access by parent | | | Access by law enforcement | | |
|--------------------------|------------------|-----|---------|---------------------------|-----|-----------|
| | Yes | No | Unclear | Yes | No | Unclear |
| Name and address | 51 | --- | --- | 51 | --- | --- |
| Other information | 51 | --- | --- | 15 | --- | 36 |

Additionally, 22 jurisdictions have school record "flagging" laws.

Hospital records:

Number of jurisdictions allowing access without subpoena or court order

| | Access by parent | | | Access by law enforcement | | |
|--------------------------|------------------|-----|-----------|---------------------------|-----|-----------|
| | Yes | No | Unclear | Yes | No | Unclear |
| Name and address | 22 | --- | 29 | 14 | --- | 37 |
| Other information | 20 | --- | --- | 31 | --- | 43 |

No jurisdictions were identified as having any affirmative reporting obligations in suspected missing children cases.

Child welfare agency records:

Number of jurisdictions allowing access
without subpoena or court order

| Access by parent | | | Access by law enforcement | | | |
|------------------|-----|---------|---------------------------|---------------------------------|-----|---------|
| Yes | No | Unclear | Yes | Investig. abuse & neglect | No | Unclear |
| 18 | --- | 33 | 16 | 22 | --- | 13 |

No states were identified as imposing an affirmative statutory duty to report suspected missing children to law enforcement.

Records of shelters for battered women:

Number of jurisdictions allowing access
without subpoena or court order

| Access by parent | | | Access by law enforcement | | | | | |
|------------------|----|---------|---------------------------|-------------------------------|-------------------------------|-----------------------------------|----|---------|
| Yes | No | Unclear | Yes | Invest. crime of client | Invest. abuse & neglect | Shelter's discret. (emerg.) | No | Unclear |
| --- | 32 | 19 | --- | 1 | 3 | 3 | 25 | 19 |

One state (CA) has a statute requiring persons fleeing domestic violence with children to notify the District Attorney of their whereabouts.

Runaway shelters:

Number of jurisdictions requiring report of child's presence in shelter

| | To parents | To law enforcement | To either | Unclear |
|---------------------------|------------|--------------------|-----------|---------|
| Without exception | 7 | --- | 5 | 34 |
| Except if abuse or danger | 3 | 1 | 1 | |

One state (OH) specifically allows record access to law enforcement, in addition to a required report to parents. Two states (NY, MA) specifically forbid record access to law enforcement, although requiring a report to parents.

APPENDIX C

**Listing and Description of State Laws
Affecting Record Access
in Missing Children Cases
(By State)**

ALABAMA

| | STATUTE | TITLE/HEADING | SUMMARY |
|----------------------------------|--|--|--|
| CHILD WELFARE AGENCIES | ALA. CODE § 26-14-8 (1992) | Establishment of central registry; confidentiality of records and reports. | Records of child abuse and neglect are confidential with some exceptions. These include permitting their use to prevent or discover abuse or neglect of children, for police or other law enforcement agency investigations of child abuse or neglect, and for a court's use to determine an issue before it. |
| DOMESTIC VIOLENCE CENTERS | ALA. CODE § 15-23-42 (Supp. 1992) | Confidentiality of communication with victim counselor. | Information exchanged between a victim counselor and a victim is confidential in all criminal proceedings. Moreover, a victim counselor cannot be compelled to identify the name, address, location, or telephone number of a safe house, abuse shelter, or other facilities in a civil or criminal proceeding unless the facility is a party to the proceeding. |
| HOSPITALS | ALA. CODE § 12-21-6 (1986) | [Hospital records] Subpoena duces tecum; inspection; form; weight; costs | A litigant in a case before a court may obtain a copy of hospital records by a subpoena duces tecum. Only the parties to the case or proceeding and their attorney may view the records when the court opens or publishes them. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | See ALA. ADMIN. CODE. r. 290-030-010-.06 (Supp.1988) | | Requires all schools in the state to observe FERPA, 20 U.S.C. § 1232(g), with the condition that no funds will be made available if any educational agency denies parents of students the right to inspect and review records and data related to their children. |

ALASKA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|--|--|
| CHILD WELFARE AGENCIES | ALASKA STAT. § 47.17.040 (1990) | Central registry; confidentiality. | Allows governmental agencies with child protection functions, inside and outside the state, or involved with investigations or judicial proceedings involving child abuse, neglect, or custody to have access to reports in the registry. |
| DOMESTIC VIOLENCE SHELTERS | ALASKA STAT. § 25.35.100 (Supp. 1992) § 25.35.110 (Supp. 1992) | Compulsory disclosure of communications prohibited. Exceptions [to 25.35.100]. | Disclosure of confidential communication between a victim and a victim counselor is prohibited, but there are exceptions. Two relevant exceptions are where "the services of the counselor were sought, obtained, or used to enable anyone to commit or plan a crime or to escape detection or apprehension after the commission of a crime;" and in "a criminal proceeding concerning criminal charges against a victim of domestic violence...where the victim is charged with a crime." |
| HOSPITALS | ALASKA STAT. § 18.20.085 (1991) § 18.20.090 (1991) | Hospital records retention. Information confidential. | State hospital authority may not release patient information. Procedures for individual hospitals are not specified. |
| RUNAWAY SHELTERS | ALASKA STAT. § 47.10.320 (1990) | Confidentiality of records. | Records identifying runaway minors are confidential unless the minor consents in writing to disclosure; the records are relevant to an investigation involving child abuse or neglect or a child in need of aid petition; or the disclosure is necessary to protect the life or health of the minor. |
| SCHOOLS | ALASKA STAT. § 14.30.700 (1992) | Records of missing children | Requires schools to flag school records of missing children and to inform the Department of Public Safety of any request made for flagged records. |
| OTHER RELEVANT STATUTES | ALASKA STAT. § 09.25.120 (Supp. 1992) | Inspection and copying of public records. | Gives individuals the right to inspect public writing or records in the state except records of vital statistics and adoption proceedings, records pertaining to juveniles, medical and related public health records, and records required to be kept confidential by federal law or regulation. |

ARIZONA

| | STATUTE | TITLE/HEADING | SUMMARY |
|---------------------------|--|---|--|
| CHILD WELFARE AGENCIES | ARIZ. REV. STAT. ANN. § 8-546.07 (Supp. 1992) | Confidential information; initial report of dependent, abused, neglected, or abandoned children, violation, classification. | Initial reports and records concerning dependent, abused, neglected, or abandoned children are confidential with some exceptions. Relevant exceptions include release of records and reports to employees of the department of law, a law enforcement agency, or a court, in performance of their official duties. |
| | ARIZ. REV. STAT. ANN. § 41-1959 (1992) | Confidential information; permissible disclosure; rules; violation; classification | All personally identifiable information concerning any person involved in any child or adult protective services action is confidential, but may be released to "agencies of the federal government, this state, or any political subdivision of this state for official purposes." Information released for these purposes are confidential except where it is pertinent to a criminal investigation. |
| DOMESTIC VIOLENCE CENTERS | ARIZ. REV. STAT. ANN. § 36-3005 (Supp.1992) | Shelter requirements for eligibility. | In order to be eligible for fund under Chapter 30: SHELTERS FOR DOMESTIC VIOLENCE VICTIMS, all persons employed by or volunteering services to a shelter are required to maintain the confidentiality of any information that would identify individuals served by the shelter. |
| | ARIZ. REV. STAT. ANN. § 36-3009 (Supp.1922) | Disclosing location of shelters; prohibition; civil penalty. | Any information that identifies the location and address of a shelter for victims of domestic violence is confidential. Prohibits public disclosure by a person or by a public or private agency of this information. |
| HOSPITALS | ARIZ. REV. STAT. ANN. § 12-2281 (Supp. 1992) | Compliance with subpoena duces tecum for health care provider records; issuance of subpoena; notice; exception | May obtain hospital record(s) with a subpoena duces tecum if the patient is given notice. Notice is not required if a subpoena is "requested by a governmental entity or agency or law enforcement agency if the records are otherwise subject to release by law." |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | ARIZ. REV. STAT. ANN. § 15-141 (Supp.1992) | Educational records; injunction; special action. | FERPA, 20 U.S.C. §1232(g), and any federal regulations issued pursuant to it govern the inspection of, access to, and release of all educational records in the state. |
| | ARIZ. REV. STAT. ANN. § 15-829 (1991 & Supp. 1992) | Missing child; notification of school; flagging of records; definitions. | Schools are required to flag all records of missing children. They must immediately notify law enforcement agencies when any flagged records are requested. |

ARKANSAS

| | STATUTE | TITLE/HEADING | SUMMARY |
|----------------------------------|--|---|--|
| CHILD WELFARE AGENCIES | ARK. CODE ANN. § 12-12-506 (Michie Supp. 1991) | Disclosure of central registry data. | Reports of suspected child abuse and neglect are maintained by the Department of Human Services and are confidential with some exceptions. One exception allows disclosure to "any investigation or prosecution conducted in connection with the administration of the Arkansas Child Welfare State Plan" when allegations of child abuse and neglect are founded. If the allegations are unfounded, then the reports are available only for the purposes of the administration of adoption, foster care, and children's protective services programs. |
| DOMESTIC VIOLENCE CENTERS | | | |
| HOSPITALS | ARK. CODE ANN. § 16-46-302 (Michie 1987) | Furnishing copies of records in compliance with subpoenas. | Requires hospitals licensed under the laws of Arkansas to provide records ¹ requested under a subpoena duces tecum. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | ARK. CODE ANN. § 12-12-803 (Michie Supp. 1991) | Request for school records-Notification of law enforcement officer. | Requires schools receiving a request for a missing child's records to notify law enforcement officer and furnish the law enforcement officer with the name, address, and telephone number, if known, of the person making the inquiry. |
| OTHER RELEVANT STATUTES | ARK. CODE ANN. § 25-19-105 (Michie 1992) | Examination and copying of public records[Freedom of Information Act] | Exempts medical records and scholastic records from public disclosure. |

¹ Under Ark. Code Ann. § 16-46-301(Michie 1987), this includes "...hospital records, medical records, admitting form, discharge summary, consultation reports, medication records, and progress notes...."

CALIFORNIA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|--|--|
| CHILD WELFARE AGENCIES | CAL. WELF. & INST. CODE § 10850.1 (1991) | Child abuse or elder or dependent persons abuse; disclosure of information or writing among members of multidisciplinary personnel team.... | Allows members of an interdisciplinary team, which may include a law enforcement agency officer, to obtain information maintained by a social services program or other confidential information under state law in order to carry out activities relating to the prevention, identification, or treatment of child abuse. |
| DOMESTIC VIOLENCE SHELTERS | CAL. EVID. CODE § 1037.2 (West 1993) CAL. EVID. CODE § 1037.4 (West 1993) | Confidential communication; compulsion of disclosure by court; claim of privilege. Privilege of refusal to disclose communication; claimants. | Domestic violence counselors may not be compelled to release any "confidential communication" ¹ between the counselor and a victim. A court has the discretion to compel disclosure about the communication when it contains relevant evidence involving a crime against the victim or another household member which is the subject of a criminal proceeding if the court feels its value outweighs the effect of the disclosure on the victim, the counseling relationship, and the counseling services. Gives domestic counselors the privilege not to disclose confidential communication between the counselor and the victim unless the counselor is instructed otherwise by a person authorized to permit disclosure. |
| HOSPITALS | CAL. CIA. CODE § 56.10(b) (West Sup. 1993) | Disclosure of Medical Information by Providers ² / Authorization; necessity; exceptions. | Allows disclosure of medical information regarding a patient without authorization under certain circumstances. These include circumstances in which the provider is compelled by a court pursuant to the court's order; by a party before a court or administrative agency pursuant to a subpoena, by a subpoena duces tecum, by a notice to appear as authorized under Section 1987 of the Code of Civil Procedure, or by any provision authorizing discovery; and by a search warrant issued to a governmental law enforcement agency. |

¹ "Confidential communication" includes all information regarding the facts and circumstances involving all incidence of domestic violence, as well as all information about the children of the victim or abuser and the relationship of the victim with the abuser.

² "Providers of health care" is any person licensed or certified pursuant to Division 2 of the Business and Professions Code...to Division 2.5 of the health and Safety Code; any clinic, health dispensary, or health facility licensed under Division 2 of the Health and Safety Code and in a health care service plan under the Knox-Keene Health Care Service Plan Act of 1975, Chapter 2.2 of Division 2 of the Health and Safety Code. CAL. CIA. CODE § 56.05 (West Sup. 1993).

CALIFORNIA

| | | | |
|-------------------------|---|---------------------------------------|---|
| RUNAWAY SHELTERS | CAL. WELF. & INST. CODE § 13702 (West 1991) | Collection of data. | Requires homeless youth emergency services project to collect data on clients. Data shall remain confidential unless provided otherwise under some other provision of law. |
| SCHOOLS | CAL. EDUC. CODE § 46069 (West 1993) | Absolute right to access(of parents). | Parents of currently enrolled or former pupils have an absolute right to access to any records related to their children maintained by school districts or private schools. |

COLORADO

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|---|--|
| CHILD WELFARE AGENCIES | COLO. REV. STAT. ANN. § 19 -1-20 (West Supp. 1992) | Confidentiality of records-dependency and neglect. | Disclosure of the name and the address of a child or family and other identifying information in child abuse and neglect reports is permitted if it is authorized by a court for good cause, or if the court finds that the information in the record may be necessary to determine an issue before it, to all members of a child protection team, and to a law enforcement agency that is investigating reports of suspected child abuse and neglect. |
| DOMESTIC VIOLENCE SHELTERS | COLO. REV. STAT. ANN. § 26-7.5-102 (West 1990) | Domestic Abuse Programs. | § 26-7.5-104 states the state department of Social Services shall establish the rule and enforce standards and regulations for all domestic abuse programs established under this article. No mention of confidentiality in statute. |
| HOSPITALS | COLO. REV. STAT. ANN. § 25-1-801 (West 1990) | Patient records in custody of health care facility. | Allows patient or designated representative to inspect the patient's medical records. However, health care providers need not give parents access to information about the diagnosis or treatment of venereal disease or addiction to or use of drugs by their minor children. |
| RUNAWAY SHELTERS | COLO. REV. STAT. ANN. § 18-6-601 (West 1990) | Aiding or harboring a runaway child. | A person commits aiding and harboring a runaway child if he/she knowingly harbors ¹ a child who has run away without informing the child's parents, legal guardian, or other legal custodian, or to a law enforcement agency of the child's whereabouts within twenty-four hours. |
| SCHOOLS | COLO. REV. STAT. ANN. § 24-72-704 (West 1990 & Supp. 1992) | Allowance or denial of inspection-grounds-procedure-appeal[Public Records]. | Addresses and telephone numbers of students in public elementary or secondary schools may not be publicly disclosed; however, law enforcement agency may have access to a student's records ² if the student is under investigation by the agency and the agency shows that the data is necessary for the investigation. |

¹ "Harbor" means to keep secreted, cohabit with, or provide shelter for any unmarried minor without the consent of the parent, legal guardian, or other person having legal custody of such minor. § 18-6-601(2)(a).

² "Records" means data concerning scholastic achievement, or medical, psychological, or sociological information.

CONNECTICUT

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|---|--|
| CHILD WELFARE AGENCIES | CONN. GEN. STAT. § 17a-28 (West 1992 & Supp. 1993) | Definitions. Confidentiality of and access to records; exceptions. Procedures for aggrieved persons. Regulations. | Records maintained and created by the child protective services of the Department of Social and Human Services may be disclosed without the consent of the person ¹ when it is in the person's best interest, to multidisciplinary teams formed to investigate, evaluate, or treat child abuse and neglect cases, to an authority in another state investigating or protecting against child abuse or neglect, or to an individual or a public or private agency responsible for a person's care and custody. The records also may be disclosed if the subject of the records or a parent consents. |
| DOMESTIC VIOLENCE SHELTERS | CONN. GEN. STAT. § 52-146k (West 1991) | Privileged communications between battered women's or sexual assault counselor and victim. | A battered women counselor or sexual assault counselor shall not disclose any confidential communications made to such counselor at any time by a victim in any civil or criminal case or proceeding. A victim may waive this privilege. |
| HOSPITALS | CONN. GEN. STAT. § 4-104 (West 1988) | Inspection and subpoena of hospital records. | Any private hospital, public hospital society or corporation receiving state aid shall permit a patient or his/her physician or authorized attorney to examine the hospital record upon the patient's consent. Disclosure is also required upon a subpoena issued by a competent authority directing the release of the records because of its connection with a proceeding in any court. |
| RUNAWAY SHELTERS | CONN. GEN. STAT. § 17a-185 (West 1992) | Police transportation of certain minor to facility for care. | Requires any public or private facility who receives a runaways over sixteen years old and less than eighteen years old to inform the runaway's parent or guardian of his/her whereabouts within twelve hours of receiving the runaway. |
| SCHOOLS | CONN. GEN. STAT. § 10-15b (West 1986) | Access of parent or guardian to student's records. Subpoena of records. Admission in evidence. | Parent or legal guardian of a minor student, upon a written request to a local or regional board of education, may have access to and knowledge of all educational, medical, or similar records maintained in such student's record except information considered privileged under section 1-154a. |

¹ "Person" is defined as any individual named in a record maintained by the department who was a ward of or committed to the commissioner, received services from the department; the parent of a person if the person is a minor; or authorized representative of a person if the person is deceased. §171-28(a)(1).

DELAWARE

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---------------------------------------|--|---|
| CHILD WELFARE AGENCIES | DEL. CODE. ANN. tit. 20 § 9016 (1991) | Confidential Information. [Department of Services for Children, Youth, and Their Families] | The department has the discretion to release information from its records to public and private agencies if it decides that such release will serve the best interest of children in its care. [Policy #205 § 4(B)(12) gives law enforcement agencies access to records of the department which is "necessary for legitimate law enforcement activity."] |
| DOMESTIC VIOLENCE SHELTERS | | | |
| HOSPITALS | | | |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | DEL. CODE. ANN. tit. 14 § 4111 (1981) | Disclosure of pupils' school records. | Any authorized agency of the federal government, of Delaware, or any county or municipal government shall have access to any pupil's record in the interest of public health, safety, law enforcement, or national security. This covers both public and private schools. |
| OTHER RELEVANT STATUTES | DEL. CODE. ANN. tit. 24 § 3913 (1988) | Privileged communications. [Clinical Social Workers] | A social worker does not have to treat as confidential communication that reveals a prior commission of a crime or a contemplation of a crime. |

DISTRICT OF COLUMBIA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|--|---|
| CHILD WELFARE AGENCIES | D.C. CODE ANN. § 6-2113 (1989 & Supp. 1993) D.C. CODE ANN. § 6-2126 (1989 & Supp. 1993) | Access to Register; release of information generally. Confidentiality of records and information. | Law enforcement agency investigating a report of child abuse or neglect and the parent, guardian, custodian, or attorney of a child who is the subject of the report may obtain information concerning reports of child abuse and neglect in the Child Protection Register. The law enforcement agency may receive the information orally in an investigation of a report. Information related to the identification of individual children who are reported or found to be abused or neglected or which identifies a person is confidential. The information may only be released for purposes related to the identification of abuse or neglect, service need or resources, or the treatment or direct services of the child or individual identified. |
| DOMESTIC VIOLENCE SHELTERS | | | |
| HOSPITALS | D.C. CODE ANN. § 32-255 (1988) | Confidentiality of medical records and information. | Medical records or other information concerning a patient at D.C. General Hospital shall not be disclosed under any circumstances except for medical care of the patient and with the informed, written consent of the patient or his/her legally authorized representative. |
| RUNAWAY SHELTERS | D.C. CODE ANN. §3-803 (1988) | Rules (Youth Residential Facilities Licensure). | The Mayor must establish rules for youth residential facility, which includes runaway shelters, that will maintain "confidentiality and privacy standards with respect to a resident's person, property, living quarters, [and] case records...." § 3-808 makes it a misdemeanor with a fine not exceeding \$5,000 upon conviction for any person who violates the confidentiality rules established pursuant to § 3-803. |
| SCHOOLS | | | |

FLORIDA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|---|--|
| CHILD WELFARE AGENCIES | FLA. STAT. ANN. § 415.51 (West 1993) | Confidentiality of reports and records in cases of child abuse or neglect. | Law enforcement agency investigating a report of known or suspected child abuse or neglect shall have access to all records concerning confirmed, unfounded, and suspected child abuse or neglect reports. The parent, guardian, custodian, or counsel of a child who is the subject of a confirmed child abuse or neglect report may have access to records regarding the child. A court, by subpoena, may have access to confirmed and unclassified reports. |
| DOMESTIC VIOLENCE SHELTERS | FLA. STAT. ANN. § 415.608 (West 1993) | Confidentiality of information received by department ¹ or domestic violence center. | Information about clients received by persons employed by or volunteering services to a domestic violence center is confidential; however, the domestic center may at its discretion give information about a client or the location of the domestic violence center in an emergency to law enforcement. |
| HOSPITALS | FLA. STAT. ANN. § 395.3025 (West Supp. 1993) | Patient and personnel records; copies; examination. | May release all patient records to the parent of a minor in the absence of the patient. This does not apply to facilities whose primary function is psychiatric care or drug and alcoholic abuse treatment. Disclosure is also permitted without consent upon an issuance of a subpoena from a court and proper notice to the patient or his legal representative in any civil or criminal action. |
| RUNAWAY SHELTERS | FLA. STAT. ANN. § 409.441 (West 1993) | Runaway youth programs and centers. | All information about a client which is part of the center's intake or records system is confidential and not subjected to public disclosure. |

¹ Department of Social Welfare

FLORIDA

SCHOOLS

FLA. STAT. ANN. § 228.091
(West 1989 & Supp. 1993)

Pupil and student records and reports; rights of parents, guardians, pupils, and students; notification; penalty.

Parents have access to their child(ren)'s school records. Personally identifiable records or reports may be released in some circumstances without the consent of the pupil or parent such as in " an emergency, if knowledge of the information in the pupil's or student's education records is necessary to protect the health or safety of the pupil, student, or other individual" or by a court subpoena if the parent or child is given notice of it. An educational institution may publish and release directory information (includes student's name, address, telephone number, and date and place of birth) to the general public; however; it cannot release the information if the institution normally does not publish or release the information to the general public.

GEORGIA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|----------------------------------|---|---|
| CHILD WELFARE AGENCIES | GA. CODE. ANN. § 49-5-41 (1993) | Persons and agencies permitted access to records [concerning reports of child abuse]. | Police or any law enforcement agency investigating a report of known or suspected abuse may have access to any record(s) concerning reports of child abuse or neglect in the Department of Social Services or other state or local agency. Moreover, a person having the legal custody, responsibility, or authorization to care for, treat, or supervise the child who is the subject of the report at the discretion of the department and state or local agency. It is a misdemeanor if a individual discloses child abuse or neglect reports without authorization. |
| DOMESTIC VIOLENCE SHELTERS | GA. CODE. ANN. § 19-13-22 (1991) | [Domestic violence shelters] | No mention of access to shelter's records. Each family violence shelter has a board which is comprised of at least three citizens of which one has to be a local, municipal, or county law enforcement agency. |
| HOSPITALS | GA. CODE. ANN. § 24-9-40 (1993) | When medical information may be released by physician, hospital.... | Hospital and physicians may release information concerning a patient by a court order or subpoena, by the patient consent through a waiver or written authorization (in a case of a minor, the parent's consent), and pursuant to any law, statute, or regulation. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | GA. CODE. ANN. § 20-2-697 (1992) | Attendance reports and records kept by public schools. | Attendance records which identify students by name may be obtained with the permission of the parent or guardian, a child, or pursuant to the subpoena of a court. |

HAWAII

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|--|---|
| CHILD WELFARE AGENCIES | HAW. REV. STAT. § 350-1.4 (Supp. 1992) | Confidentiality[child abuse reports]. | Reports and records concerning child abuse and neglect are confidential. The director of human services has the discretion to establish guidelines for access to the reports and records pursuant to Chapter 91. |
| DOMESTIC VIOLENCE SHELTERS | HAW. RUL. OF EVID. 505.5 (Supp. 1992) | Victim-counselor privilege. | Under this privilege, disclosure of information concerning a communication between a victim of a domestic violence shelter or any information that would identify the name, location, or telephone number of an abuse shelter that provides temporary emergency care is not permitted. |
| HOSPITALS | HAW. REV. STAT. § 622-52 (1991) HAW. REV. STAT. § 92F-14 (Supp. 1992) | Subpoena duces tecum for medical records, compliance. Clearly unwarranted invasion of personal privacy[Freedom of Information]. | A medical facility must produce the medical records of a patient upon a subpoena duces tecum in any action or proceeding of a claim for personal injuries. § 92F-13 states that government records that constitute a clearly unwarranted invasion of personal privacy when weighed against public interest is not available for inspection or public disclosure as part of the Freedom of Information Act. § 92F-14, states that directory information relating to a individual's presence to a medical facility does not constitute information in which there is significant privacy interest. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | | | |

HAWAII

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| OTHER RELEVANT STATUTES | HAW. REV. STAT. § 92F-19 (Supp. 1992) | Limitations on disclosure of government records to other agencies. | An agency may disclose government records ¹ to another agency if it "is compatible with the purpose for which the information was collected or obtained, consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, reasonably appears to be proper for the performance of the requesting agency's duties and functions... to an agency or instrumentality of any governmental jurisdiction within or under the control of the United States, or to a foreign government if specifically authorized by treaty or statute, for a civil or criminal law enforcement investigation... or pursuant to any court order...." |
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"Government record" is defined as any information maintained by an agency in written, auditory, visual, electronic, or other physical form. § 92F-3 (Supp. 1993)

IDAHO

| | STATUTE | TITLE/HEADING | SUMMARY |
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| CHILD WELFARE AGENCIES | IDAHO CODE § 16-1623 (Supp. 1993) | Powers and duties of the department [of health and welfare]. | Records of child abuse or neglect investigations shall be subject to disclosure pursuant by a court order; if the person who is the subject of the investigation consents; or if the disclosure is necessary for the delivery of services to the person. ¹ |
| DOMESTIC VIOLENCE SHELTERS | IDAHO CODE § 39-5211 (1993) | Qualifications of applicants [Domestic Violence Project grants]. | Persons employed by or volunteering services to domestic violence projects(includes shelters) must maintain the confidentiality of any information that would identify individuals served by the project. ¹ |
| HOSPITALS | IDAHO CODE § 32-717A (1983) | Parents' access to records and information. | Access to records and information pertaining to a minor child such as medical, dental, health, and school or educational records, shall not be denied to a parent because the parent is not the child's custodial parent. |
| RUNAWAY SHELTERS | IDAHO CODE § 18-1510 (Supp. 1993) | Providing shelter to runaway children. | A person who knowingly or intentionally provides housing or other accommodations to a child seventeen years of age or younger without the authority of the state, or the custodial parent or guardian, or the person having legal custody of the child shall be guilty of a misdemeanor unless they have notified the custodial parent or guardian, or the county sheriff or city police of the child's whereabouts, or there is reasonable evidence that the child has been abused by the custodial parent or guardian. |
| SCHOOLS | IDAHO CODE § 18-4511 (Supp. 1993) Refer to § 32-717A (1983) supra. | School duties--Records of missing child--Identification upon enrollment--Transfer of student records. | Requires schools to flag records of missing or runaway children, to inform law enforcement officers whenever a copy or information regarding a flagged record is requested, and to inform law enforcement officers of any knowledge as to the whereabouts of the missing or runaway child. Also requires a private or public secondary school and elementary school enrolling a transfer student to request directly from the student's previous school a certified copy of his record. |

¹ Records may also be examined by the person to whom they pertain under the state Public Records--Right to Examine statute. § 9-338 et. seq. (Supp. 1993)

IDAHO

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| OTHER RELEVANT STATUTES | IDAHO CODE § 18-4510 (Supp. 1993) | Birth records of missing children--State registrar's duties. | Requires state registrar to flag birth records of missing children and to notify a law enforcement agency immediately when there is a request for a flagged record. |
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ILLINOIS

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|--|--|
| CHILD WELFARE AGENCIES | ILL. ANN. STAT. ch. 325, para. 5/11-5/11.1 (Smith-Hurd 1993 & Supp. 1993) | Confidentiality of records--Violations. Access to records. | Records and information concerning child abuse and neglect reports and referrals are generally confidential, but are accessible to the Department of State Police when administering the provisions of the Intergovernmental Missing Child Recovery Act of 1984; the parent or guardian of the child who is the subject of the report; and law enforcement officials from other states who are responsible for background investigations and child abuse and neglect investigations. |
| DOMESTIC VIOLENCE SHELTERS | ILL. ANN. STAT. ch. 750 para. 60/227 (Smith-Hurd Supp. 1993) ILL. ANN. STAT. ch. 720 para. 5/45-2 | Illinois Domestic Violence Act of 1986: Privileged communications between domestic violence counselors and victims. Disclosure of location of domestic violence victim. | Confidential communication between a domestic violence counselor and a victim may only be disclosed in a criminal or civil proceeding with the consent of the victim; in accordance with the provisions of the Abused and Neglected Child Reporting Act; or where failure to disclose the information will likely result in imminent risk of serious bodily harm or death of the victim or another person. Any person who publishes, disseminates, or disclose the location of a domestic violence victim without the consent of the victim shall be guilty of Class A misdemeanor. |
| HOSPITALS | ILL. ANN. STAT. ch. 50, para. 3 (Smith-Hurd 1993) | Medical Patient Rights Act: Rights established. | A patient has a right to privacy and confidentiality in health care. Information about a patient's health care may only be disclosed to the patient, to the party making treatment decisions if the patient is incapable of making decisions regarding health services, to parties required to be notified under the Abused and Neglected Child Reporting Act or where else authorized and required by law. |
| RUNAWAY SHELTERS | ILL. AN. STAT. ch. 705, para. 405/3-5 (Smith-Hurd 1993) | Interim crisis intervention services. | A agency or association providing crisis intervention services must make a reasonable effort to inform the minor's parent or guardian of the child's status and where the child is being kept. A minor may not be sheltered in a temporary living arrangement for more than 48 hours, excluding Saturdays, Sundays, and holidays without parental consent unless the agency has made all reasonable means to inform the parent. |

ILLINOIS

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| <p>SCHOOLS</p> | <p>ILL. ANN. STAT. ch. 105, para. 10/5-10/6 (Smith-Hurd 1993)</p> <p>ILL. ANN. STAT. ch. 325, para. 50/5 (Smith-Hurd 1993)</p> | <p>Illinois School Student Records Act: Inspection and access.</p> <p>School duties.</p> | <p>Parents or any person designated as a representative by a parent shall have the right to inspect and copy all school student permanent¹ and temporary records of that parent's child. Disclosure of school records is also permitted in case of an emergency in which the information is necessary to protect the health or safety of the student or other persons. Statute does not apply to private or non-public school.</p> <p>Requires schools to flag records of missing children and to inform law enforcement agency of any requests for flagged records and of any knowledge regarding the whereabouts of the missing child. Requires schools after enrolling a transfer student to request directly from the student's previous school a copy of the student's previous record(s).</p> |
| <p>OTHER RELEVANT STATUTES</p> | <p>ILL. ANN. STAT. ch. 325, 50/3 (Smith-Hurd 1993)</p> <p>ILL. ANN. STAT. ch. 325, 40/3 (Smith-Hurd 1993 & Supp. 1993)</p> | <p>Registrar duties.</p> <p>Missing Child Recovery Act/ I SEARCH units--Powers.</p> | <p>Requires registrar to flag the birth certificate record of a missing child and to notify appropriate municipality or county custodians to also flag their records.</p> <p>The Illinois State Enforcement Agencies to Recover Children Unit (I SEARCH) has the power to compile, maintain and make available data upon the request of law enforcement agencies and other entities deemed appropriate by the Department to assist enforcement agencies in recovering missing children, including but not limited to data regarding the places of shelter commonly used by runaway children in the geographical area encompassed by the SEARCH Unit.</p> |

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"Student Permanent Record" include the student's name, birth date, address, grades, and grade level, parent's names and addresses, attendance records. chap. 105, para. 10/2 (Smith-Hurd 1993).

INDIANA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|--|---|
| CHILD WELFARE AGENCIES | IND CODE ANN. § 31-6-11-18 (West Supp. 1991-1992) | Confidentiality of reports and information; disclosure; rules and regulations. | Parents or guardians whose child(ren) are the subject of a suspected child abuse or neglect report and police or law enforcement officer who are investigating a report of child abuse or neglect may have access to all records and reports containing information related to cases of child abuse or neglect. |
| DOMESTIC VIOLENCE SHELTERS | IND CODE ANN. § 35-37-6-9 (West Supp. 1992) | Confidential communications; compelling testimony; records; temporary emergency shelters. | Victim counselors shall not produce any records or be compelled to give testimony regarding confidential communications with a victim in any judicial, legislative, or administrative proceeding unless the victim consents to the disclosure. Moreover, the victim counselor does not have to identify the name, address, location, or telephone number of any facility that provides shelter to victims. |
| HOSPITALS | IND CODE ANN. § 16-4-8-3 (West Supp. 1992) | Persons entitled to request health records | The parent, guardian, or custodian of a patient under 18 years of age may request their child's health records. § 16-4-8-2.1 requires health care providers to provide to a patient or the patient's designee access to or a copy of the patient's records. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | IND CODE ANN. § 20-10.1-22.4-2 IND CODE ANN. § 31-6-13-6 | Custodial and noncustodial parents; equal access; exceptions[education records]. School record attachments of missing children; procedure upon request for records. | A private or public school must allow a custodial parent and a noncustodial parent the same access to their child's educational records, unless a court issues an order to limit the noncustodial parent's access to the records. Requires schools to flag records of missing children and to obtain the name, address, and telephone number of the person making a request for a missing child's records and the reason for the request. The schools also must notify then the Indiana clearinghouse for information on missing children, providing the information obtained. |

IOWA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|--|---|
| CHILD WELFARE AGENCIES | IOWA CODE § 235A.15 (West 1993) | Authorized access[Child Abuse Information Registry]. | Law enforcement officers who are investigating a child abuse or neglect allegation may have access to child abuse information. |
| DOMESTIC VIOLENCE SHELTERS | IOWA CODE § 236A.1 (West 1993) | Victim counselor privilege. | A victim counselor at a crime victim center shall not be compelled to give evidence in any civil or criminal proceeding as to any confidential communications made by a victim to the counselor. A clerk, secretary, stenographer, or any other employees who manages the confidential reports or working papers of a crime counselor is not required disclose any such confidential communication unless the victim consents to it. Moreover, under no circumstances shall the location of a crime victim center or identity of a victim counselor be disclosed in any civil or criminal proceeding. A court may order disclosure by the victim counselor if it finds the information outweighs the harmful effect of disclosure on the victim, the counseling relationship, and the treatment services. |
| HOSPITALS | IOWA CODE § 622.10 (West Supp. 1993) | Communications in professional confidence--exceptions--application to court. | Physician has the privilege not to disclose any confidential communication with a patient unless the patient has waived the privilege. |
| RUNAWAY SHELTERS | IOWA CODE § 710.8 (West Supp. 1993) | Harboring a runaway child prohibited--penalty. | A person who harbors ¹ a runaway child with the intent of committing a criminal act or enticing or forcing the runaway child to commit a criminal act is guilty of an aggravated misdemeanor. |
| SCHOOLS | IOWA CODE § 22.7 (West 1989 & Supp. 1993) | Confidential records. | Under the title of "Examination of Public Records." Although personal information in student records are confidential, names and addresses of students contained in public records in the custody of public schools are not confidential and are open to public inspection. Refers to FERPA, 20 U.S.C. 1232g, as providing that the schools must provide parents and students a opportunity to inform the school that they do not want the information disclosed without their prior consent. |

KANSAS

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|---|---|
| CHILD WELFARE AGENCIES | KAN. STAT. ANN. § 38.1507 (Supp. 1992) | Records and reports concerning child abuse or neglect; unlawful acts. | A police or other law enforcement agency shall have access to any records or reports concerning child abuse or neglect. |
| DOMESTIC VIOLENCE SHELTERS | KAN. STAT. ANN. § 65-5810 (1992) | Confidential communications [professional counselor]. | Does not mention domestic violence shelters; however, it places confidential relations and communications between a registered professional counselor and his/her client on the same level as the confidential communication between an attorney and the attorney's client. |
| HOSPITALS | KAN. STAT. ANN. § 60-428 (1983) | Physician-patient privilege. | Confidential communications between physician and patient is confidential with some exceptions. There is no physician and patient privilege when there is significant evidence to show that "the services of the physician were sought or obtained to enable or aid anyone to commit or to plan to commit a crime or a tort, or to escape detection or apprehension after the commission of a crime or a tort." |
| RUNAWAY SHELTERS | KAN. STAT. ANN. § 38-1530 (Supp. 1992) | Sheltering a runaway; report required; child not taken into custody. | A person who provides shelter to a runaway child must inform the parents of the child or the law enforcement agency of the child's location. |
| SCHOOLS | KAN. STAT. ANN. § 72-6214 (1992) | Federal laws and regulations; right of privacy policies; definitions. | School boards must adopt guidelines and procedures for parental access to student records and protect personally identifiable records or files in accordance with federal regulations and laws. Refer to FERPA, 20 USC § 1232g. |

KENTUCKY

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|---|---|
| CHILD WELFARE AGENCIES | KY. REV. STAT. ANN. § 620.050 (Baldwin Supp. 1992) | Confidentiality of reports. | Information obtained as a result of an investigation of child abuse or neglect shall not be divulged, with some exceptions. Custodial parent or legal guardian of the child alleged to be dependent, abused or neglected; law enforcement agencies that have a legitimate interest in the case; or persons authorized by court order may have access to all information obtained from an investigation of child abuse or neglect. A noncustodial parent may have access to the information only when the allegations are substantiated. |
| DOMESTIC VIOLENCE SHELTERS | | | |
| HOSPITALS | KY. REV. STAT. ANN. § 422.305 (Baldwin 1992) | Subpoena of records; certification of copies; personal delivery. | Medical records may be obtained by a subpoena duces tecum. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | KY. REV. STAT. ANN. § 158.032 (Baldwin 1990) (also refer to 61.870 et seq.) | Flagging record of missing child... documents required upon enrollment or transfer. | Requires schools to flag school records of missing child and to immediately inform the Justice Cabinet of any request concerning flagged records and knowledge of the whereabouts of any missing child. Also requires schools enrolling a transfer student to request directly from the student's previous school a copy of the student's record. Parents enrolling children for the first time in school must provide a certified copy of the student's birth certificate or other reliable proof of the student's identity and age and a affidavit of the inability to produce a copy of the birth certificate. |
| OTHER RELEVANT STATUTES | KY. REV. STAT. ANN. § 61.870 et seq. (Baldwin Supp. 1992) | Open Records. | Allows inspection of public records; however, certain public records are exempted from inspection except on order of a court. This include public records containing information that would constitute a unwarranted invasion of privacy. |

LOUISIANA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|---|---|
| CHILD WELFARE AGENCIES | LA. REV. STAT. ANN. § 46:56 (West 1982 & Supp. 1993) | Application and client case records; definitions; confidentiality. | Case records (investigative reports) of child abuse and neglect may be released to law enforcement agencies engaged in investigations of any child abuse and neglect reports or of acts against children in violation of criminal statutes of this state or of another state or of federal criminal statutes. |
| DOMESTIC VIOLENCE SHELTERS | LA. REV. STAT. ANN. § 46:2124.2 (West Supp. 1993) | Privileged communications and records. | Communication and records of the communication between an employee or representative of a shelter and a victim may not be disclosed under any circumstances in connection with any civil or criminal case or proceeding or by any discovery procedure. |
| HOSPITAL | LA. REV. STAT. ANN. § 13:3715.1 (West 1991 & Supp. 1993) LA. REV. STAT. ANN. § 44:7 (West 1993) | Subpoena duces tecum to a health care provider for patient records.... Hospital records. | Health care provider shall disclose records of a patient pursuant to a subpoena, summons, or court order if the requesting party informs the health care provider that the patient whose records are being sought has been informed of such request and the patient has not indicated that he/she would take any legal actions to restrain the disclosure. The governing authority of public hospitals may establish rules and procedures in which "persons legitimately and properly interested in the ...condition of patients" may have access to the patient's records. |
| RUNAWAY SHELTERS | LA. REV. STAT. ANN. § 46:1353 (West Supp. 1993) LA. REV. STAT. ANN. § 46:1355 (West Supp. 1993) | Notice to parent or guardian; reporting requirements to parent, legal custodian. Confidentiality of records. | A shelter (facility) must inform a runaway's parents within seventy-two hours of the runaway's arrival to the shelter of the runaway's location. The shelter must make reasonable efforts to contact the child's parent(s) or guardian(s). This procedure is not required in circumstances of suspected child abuse or neglect. Shelters may not be compelled to disclose the identity of any child receiving services from them unless there is a written consent of the child, his/her child, or legal custodians or in circumstances posing serious danger to the life or health of the child in the shelter. |
| SCHOOLS | LA. REV. STAT. ANN. § 44:1-.42 (West 1982 & Supp. 1993) | Public Records and Recorders. | Does not mention school specifically, however provisions allowing access to records apply to schools and schools districts. Another statute, § 17:391.4, specifically exempts student's test scores from public disclosure under the Public Records Act. |

MARYLAND

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|--|---|
| CHILD WELFARE AGENCIES | MD. CODE ANN., art. 88A, §6 (1991) | Misuse of public assistance lists and records. | Law enforcement officers who are investigating a report of known or suspected child abuse or neglect, and parents or guardians of the child who is the subject of the report may have access to information contained in records and reports of known or suspected child abuse or neglect. |
| DOMESTIC VIOLENCE SHELTERS | MD. REGS. CODE tit. 07 § 06.04.10 (1992) | Confidentiality. | Domestic violence shelter may not disclose any identifying information regarding a recipient of the shelter's service to any agency or individual without the written authorization of the victim unless it concerns a child abuse or neglect case. |
| HOSPITALS | MD. CODE ANN., HEALTH-GEN. § 4-301 (Supp. 1992) | Confidentiality of medical records. | Health providers may disclose directory information ¹ without the authorization of the patient unless the patient has instructed the health care provider in writing not to disclose the directory information. |
| RUNAWAY SHELTERS | MD. REGS. CODE tit. 16 § 06.01.17 (1992) | Records and reports (runaway shelters). | Records of youths placed in the facility are confidential. Recommends that policies and procedures should be written including guidelines for access and use of those records. |
| SCHOOLS | MD. REGS. CODE tit. 13A § 08.02.31 (1989) | Individual student records. | Parents or guardians of student under the age of 18 or an eligible student has the right to inspect and review the school records of the student. Directory information from a student's record may be disclosed without parental consent in interagency meetings. Refer to FERPA, 20 USC § 1232g, for more guidelines. |

¹ "Directory information" means information concerning presence and general health condition of a patient who has been admitted to a health care facility or who is currently receiving emergency care in a health care facility. § 4-301 (Supp. 1992).

MASSACHUSETTS

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|---|---|
| CHILD WELFARE AGENCIES | MASS. GEN. LAWS ANN. ch. 119 § 51E (West 1993) | Reports of injured children; files; confidentiality; penalties. | Child abuse or neglect reports pursuant to an initial investigation shall be confidential with some exceptions. The child's parent, guardian, or counsel and other persons who have the informed and written consent of the child's parents or guardians may have access to the reports. |
| | MASS. GEN. LAWS ANN. ch. 119 § 51F (West Supp. 1993) | Central registry of information; confidentiality; penalties. | The commissioner of the central registry of information shall establish rules and regulations governing the availability of data and information concerning child abuse or neglect. |
| DOMESTIC VIOLENCE SHELTERS | MASS. GEN. LAWS ANN. ch. 233 § 20K (West Supp. 1993) | Domestic violence victims' counselors; confidential communications. | A domestic violence victims' counselor shall not disclose any confidential communication without the written consent of the victim in any civil, legislative, or administrative proceeding. This communication is subject to discovery in a criminal proceeding to the extent the information is exculpatory in relation to the defendant. |
| HOSPITALS | MASS. GEN. LAWS ANN. ch. 112 § 12CC (West 1993) | Health care providers ¹ ; inspection of records. | A patient or an authorized representative of the patient may have access to the patient's records maintained by the health care providers. |
| | MASS. GEN. LAWS ANN. ch. 111 § 70 (West Supp. 1993) | Records of hospitals or clinics(public); custody; inspection; copies; fees. | A patient or persons with the written authorization of the patient may have access to the patient's records. Records may also be disclosed by a court order or upon the order of the state department which issued the license to the hospital or the head of the state department having jurisdiction and control over the hospital or clinic. |
| RUNAWAY SHELTERS | MASS. REGS. CODE ch. 102 § 6.01 et seq. (1986) [ch. 119 § 23 (West Supp. 1993)] | Temporary shelter facilities. | Allows shelter to provide temporary shelter to a runaway youth for 72 hours without parental consent. The shelter must inform the parents or guardians of the child's location within 72 hours of the child's arrival. Records of a child receiving services from the shelter are confidential and may not be released without the written consent of the child's parent or guardian, and the child if over twelve years of age. |

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"Health care provider" includes physicians and surgeons, therapists, dentists, nurses, optometrists, chiropractors, psychologists, and podiatrists.

MASSACHUSETTS

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| SCHOOLS | MASS. GEN. LAWS ANN. ch. 71 § 34D - 34E (West 1982) | Student records... inspection by parents. | A parent or guardian of a student shall be able to inspect any records concerning their child kept by public elementary and secondary schools. |
| | MASS. GEN. LAWS ANN. ch. 22A §9 (West Supp. 1993) | Marking of school records; notification requirements. | Requires schools to mark the school records of missing children and to inform law enforcement authority of any request concerning any marked records or any knowledge as to the whereabouts of such missing child. |

MICHIGAN

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|---|---|
| CHILD WELFARE AGENCIES | MICH. COMP. LAWS ANN. § 722.627 (West) | Central registry system; documents and photographs, confidentiality.... | Police or law enforcement agency investigating a report of known and suspected child abuse or neglect may have access to all child abuse and neglect records. Parents or guardians of a child who is the subject of a child abuse or neglect report may have access to the records except the name of the reporter of the abuse and neglect. |
| DOMESTIC VIOLENCE SHELTERS | MICH. COMP. LAWS ANN. § 600.2157a (West 1986) | [Domestic violence counselor-victim privilege] | Any confidential communication or report given or made between the victim and the counselor may not be admissible as evidence in any civil or criminal proceeding without the victim's prior consent. |
| HOSPITALS | MICH. COMP. LAWS ANN. § 600.2157 (West Supp. 1993) | Physician-patient privilege, waiver. | A physician shall not disclose any information acquired in treating a patient unless otherwise provided by law. |
| RUNAWAY SHELTERS | MICH. COMP. LAWS ANN. § 722.151 (1993) | Aiding or abetting minors to violate order of court; concealing or harboring runaways. | A individual may not knowingly and willfully conceal or harbor a runaway youth. |
| SCHOOLS | MICH. COMP. LAWS ANN. § 380.1135 (West 1988) MICH. COMP. LAWS ANN. § 15. 243 (West 1991 & Supp. 1993) | Enrolling students, identification requirements; failure to comply; ...request for previous school records; disclosure of information. Freedom of Information Act. | Schools must flag a missing child's school records. A school must inform a law enforcement agency when a flagged record is requested or the school has knowledge as of the whereabouts of the missing child. In addition, schools who enroll a transfer student must request in writing from the student's previous school a copy of his/her school record. Parents enrolling a child for the first time in school must provide a certified copy of the child's birth certificate or other reliable proof of the child's identity and age and an affidavit explaining the inability to produce the birth certificate. School districts can may not disclose any personally identifiable information contained in a student record to a law enforcement agency except in strict compliance with FERPA, 20 USC § 1232g. Schools may release names and addresses of students, unless the parent or student informs the school in writing not to release the information. |

MINNESOTA

| | STATUTE | TITLE/HEADING | SUMMARY |
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| CHILD WELFARE AGENCIES | MINN. STAT. ANN. § 626.556 (West Supp. 1993) | Interstate data exchange. | Information and records collected by local social services agencies and by law enforcement agencies concerning child abuse or neglect may be disclosed to those of another state in investigations of actions that would qualify as sexual abuse, physical abuse or neglect, or use for child protection assessment or investigation. |
| DOMESTIC VIOLENCE SHELTERS | MICH. COMP. LAWS ANN. § 611A.32 (West 1987 & Supp. 1993) | Classification of data collected by grantees[of battered women programs]. | Records which reveal the identity of any battered woman is private data and the grantee shall maintain the data in accordance with the provisions of Chapter 3, Government Data Practices which states that personal data on individuals are not to be publicly disclosed. |
| HOSPITALS | MICH. COMP. LAWS ANN. § 144.335 (West Supp. 1993) MICH. COMP. LAWS ANN. § 13.42 (West 1987 & Supp. 1993) | Access to health records. Government Data Practices: Medical data. | Parents or guardians of a minor patient may have access to complete and current information possessed by health care providers concerning treatment of their child(ren). Directory information ¹ in medical data is public data. Although individual may request that directory information be private, hospital may still release directory information to law enforcement agencies pursuant to lawful investigation pertaining to that individual. |
| RUNAWAY SHELTERS | MICH. COMP. LAWS ANN. § 260.171 (West 1992) | Shelter care facilities. | Requires facility to inform parent(s) within 72 hours of the youth's placement into a shelter unless it is determined that disclosure would endanger the health and welfare of the youth. |

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"Directory information" means the patient's name, date admitted, general condition, and date released. §13.42 (West 1987 & Supp. 1993)

MINNESOTA

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| <p>SCHOOLS</p> | <p>MICH. COMP. LAWS ANN. § 13.32 (West 1988 & Supp. 1993)</p> <p>MICH. COMP. LAWS ANN. § 123.751 (West 1993)</p> | <p>Educational data.</p> <p>Flag school records of missing children.</p> | <p>Disclosure of directory information in student's records is governed by FERPA, 20 USC § 1232g.</p> <p>Schools are required to flag a missing child's school records and to inform and to report to the department of public safety of any requests for a flagged record and of any knowledge as of the whereabouts of the missing child. Also requires schools enrolling a transfer student to request written verification of the pupil's record by contacting the pupil's former school district.</p> |
| <p>OTHER RELEVANT STATUTES</p> | <p>MICH. COMP. LAWS ANN. § 518.17 (West 1990 & Supp. 1993)</p> | <p>Custody, support of children on judgment.</p> | <p>Both custodial and noncustodial parents have access to copies of school, medical, dental, religious training, and other important records and information about their child(ren).</p> |

MISSISSIPPI

| | STATUTE | TITLE/HEADING | SUMMARY |
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| CHILD WELFARE AGENCIES | MISS. CODE ANN. § 43-21-261 (1981 & Supp. 1992) | Disclosure of records. | Records involving children who are subjects of child abuse or neglect reports shall not be disclosed with some exceptions. Relevant exceptions include disclosure to the staff of the youth court and pursuant to an order of the youth court specifying the person(s) to whom the records may be released at its own discretion. |
| DOMESTIC VIOLENCE SHELTERS | MISS. CODE ANN. § 93-21-109 (Supp. 1992) | Records withheld from public disclosure. | Records maintained by domestic violence shelters are withheld from public disclosure under the provisions of the Mississippi Public Records Act of 1983. |
| HOSPITALS | MISS. CODE ANN. § 41-9-65 (Supp. 1992) | Hospital records constitute hospital property subject to reasonable access. | Patients, their personal representatives or heirs, their attending medical personnel and their duly authorized nominees may have reasonable access to information contained in their hospital record upon a show for good cause. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | MISS. CODE ANN. § 37-15-3 (1990) | Cumulative folders; keeping and use of records generally. | Student records are not available to the general public. Parent or guardian or eligible pupil may request school transcripts as prescribed in FERPA, 20 USC § 1232. |

MISSOURI

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|--|---|
| CHILD WELFARE AGENCIES | Mo. ANN. STAT. § 210.150 (Vernon Supp. 1993) | Confidentiality of reports and records, exceptions-- violation, penalty. | All reports and records concerning child abuse or neglect shall be available to a law enforcement officer involved in the investigation of child abuse or neglect. The parent or guardian of a person who is the subject of a child abuse or neglect report may have access to the all reports and records related to the subject except the name(s) of the reporter(s) of the abuse. |
| DOMESTIC VIOLENCE SHELTERS | Mo. ANN. STAT. § 455.220 (Vernon 1986) | Requirements for shelter to qualify for funds. | Requires persons employed by or volunteering services to the domestic violence shelter to maintain the confidentiality of any information that would identify individuals served by the shelter. |
| HOSPITALS | Mo. ANN. STAT. § 491.060 (Vernon Supp. 1993) | Persons incompetent to testify--exceptions.... | A physician, licensed psychologist, or a dentist does not have to testify any information that he/she received from a patient in order to provide treatment and during the treatment. Hospital records are included in the physician-patient privilege and a hospital has the duty to not erroneously release a patient's records. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | Mo. ANN. STAT. § 610.021 (Vernon 1988) Mo. ANN. STAT. § 43.408 (Vernon 1992) | Closed meetings and records authorized, when -- exceptions , parents and guardians to certain scholastic records.... School records of missing children to be flagged at request of patrol. | Parent, guardian, or other custodian of student and student over the age of eighteen years may inspect personally identifiable student records. Requires schools to flag a missing child's school records. A school must report any requests made for a missing child's record or knowledge as the whereabouts of any missing child to the missing persons unit of the highway patrol. A elementary or secondary school must request directly from a student's previous school a certified copy of the student's records after enrolling a transfer student. |

MISSOURI

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| OTHER RELEVANT STATUTES | Mo. ANN. STAT. § 610.120 (Vernon Supp. 1993) | Records to be confidential-- accessible to whom, purposes-child care, defined. | Law enforcement agencies, courts and federal agencies shall have access to child care ¹ records for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment, and to federal agencies for investigative purposes as authorized by law or presidential executive order. |
| | Mo. ANN. STAT. § 43.407 (Vernon 1992) | [Birth records of missing child to be flagged]. | State registrar must flag the birth records of missing children and notify the missing persons unit of the highway patrol when there is a request for a missing child's birth record. |

¹ "Child care" includes providers and youth services agencies as defined in § 43.540, RSMo, elementary and secondary school teachers, and elementary or secondary school bus drivers. § 610.120 (Vernon Supp. 1993)

MONTANA

| | STATUTE | TITLE/HEADING | SUMMARY |
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| CHILD WELFARE AGENCIES | MONT. CODE ANN. § 41-3-205 (1991) | Confidentiality--disclosure exceptions. | Records of child abuse or neglect reports are confidential with some exceptions. Any department, agency, or organization including federal agencies authorized to receive, inspect, or investigate reports of child abuse or neglect may have access to all records concerning reports of child abuse and neglect. Parents or guardians of a child who is the subject of a report may also have access to all records concerning the report except the name of the reporter. |
| DOMESTIC VIOLENCE SHELTERS | | | |
| HOSPITALS | MONT. CODE ANN. § 50-16-529,530 (1991) | Disclosure without patient's authorization--based on need to know and other bases. | A health care provider may disclose health care information about a patient without the patient's authorization on a need to know basis to immediate family members of the patient unless the patient has instructed the provider not to release the information and to any contact if the provider reasonably believes the disclosure will avoid or minimize an imminent danger to the health or safety of the contact or any other individual. Directory information ¹ may be released without the patient's authorization unless the patient has instructed the health care provider not to make the disclosure. Federal, state, or local law enforcement authorities may have access to health care information to the extent required by law. |
| RUNAWAY SHELTERS | | | |

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"Directory information" means information disclosing the presence and the general health condition of a patient who is an inpatient in a health care facility or who is receiving emergency health care in a health care facility. § 50-16-504 (1991)

MONTANA

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| SCHOOLS | MONT. ADMIN. R. 10.55.2002 (1989) MONT. CODE ANN. § 44-2- 511 (1991) | Student records. School enrollment procedures to aid identification of missing children. | Schools must establish policies and procedures concerning the use of and access to student records which are in compliance with state and federal laws governing individual privacy which includes FERPA, 20 USC 1232(g). Requires schools to flag a missing child's record and to notify the missing children information program and a local law enforcement authority if there is a request for the school records from another district. Schools may not inform the person claiming custody of the child of any investigation of the missing child. |
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NEBRASKA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|---|---|
| CHILD WELFARE AGENCIES | NEB. REV. STAT § 28-726 (1992?) | Records; access. | Law enforcement agency investigating a report of known or suspected abuse or neglect; and a parent, a guardian, or other person responsible for the abused or neglected child's welfare may have access to records concerning reports of child abuse or neglect. |
| DOMESTIC VIOLENCE SHELTERS | NEB. REV. STAT § 42-918 (1989 & Supp. 1992) | Contact with victims of spouse abuse and families; confidentiality; violation; penalty. | All contact with victims of spouse abuse and their families are confidential. Any record, report, or files maintained by the Department of Social Services concerning shelters for victims of spouse abuse shall be confidential and released only for statistical purposes without revealing the names of the victims. |
| HOSPITALS | NEB. REV. STAT § 27-504 (1992) | Rule 504. Physician-patient privilege; definitions; rules; who may claim privilege; exceptions to the privilege. | Communication between a physician and a patient is privileged with some exceptions such as in circumstances when the patient gives consent or when it concerns judicial proceedings under the Nebraska Juvenile Code regarding injuries to children, incompetents, or disabled persons, or in any criminal prosecution involving injury to any such person or the willful failure to report any such injuries. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | NEB. REV. STAT § 79-4,157 (1988) NEB. REV. STAT § 43-2007 (1992) | Access to school files; limitation; fees; disciplinary material; removed and destroyed; when. Schools; home school; duties[concerning identification of missing children]. | Any student in any public school, his or her parents or guardians shall have access to the school's files or records maintained concerning the student. Require schools to flag a missing child's records and to notify local law enforcement agency when there is a request for a flagged record or any knowledge of the whereabouts of the missing person. Moreover, a school shall not forward a copy of a flagged record to a requesting school. |

NEVADA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|---|---|
| CHILD WELFARE AGENCIES | NEV. REV. STAT. ANN. § 432B. 290 (Michie 1991) | Release of data or information concerning reports and investigations; penalty. | Data or information concerning reports and investigations of child abuse and neglect may be released to a law enforcement officer involved in an investigation or prosecution of abuse or neglect of a child; to a court who feels the information is necessary for the determination of an issue before it; or to a parent or legal guardian of the child if the identity of the person who reported the abuse and neglect is kept confidential. |
| DOMESTIC VIOLENCE SHELTERS | NEV. REV. STAT. ANN. § 217.420 (Michie 1992) | Grants from account for aid for victims of domestic violence; eligibility. | In order to receive funding, domestic violence programs must require their employees and volunteers to maintain the confidentiality of any information which would identify persons receiving services. |
| HOSPITALS | NEV. REV. STAT. ANN § 629.065 (Michie 1992) | Health care records; inspection; use in public hearings; immunity of certain persons from civil action for disclosure. | The patient or a representative of the patient with written authorization from the patient may have access to the health care records of a patient from a provider of health care. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | NEV. REV. STAT. ANN § 432.205 (Michie 1991) | Duties of law enforcement agency, clearinghouse for information concerning missing children, governmental agency and superintendent of schools receiving report of missing child. | Requires schools to flag a missing child's records so as to ensure that the clearinghouse is informed immediately if there is a request for the missing child's school records and to notify the clearinghouse when they receive a request for the education records of a missing child and of the identity and location or address of the person making the request. |
| OTHER RELEVANT STATUTE | NEV. REV. STAT. ANN § 432.205 (Michie 1991) | Duties of law enforcement agency...[birth records]. | Requires any governmental agency in possession of a missing child's birth record (certificate) to flag the birth record (certificate) so as to ensure that the clearinghouse is informed immediately if there is a request for the missing child's birth record and to notify the clearinghouse when the agency receives a request for the record and of the identity and location or address of the person making the request. |

NEW HAMPSHIRE

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|---|--|
| CHILD WELFARE AGENCIES | N.H. REV. STAT. ANN § 169-E:3 | Procedure[in finding a missing child]. | A law enforcement agency may also notify other law enforcement agencies and county providers of human services excising children services functions about the case and request from them any information that might help in finding the missing child. |
| DOMESTIC VIOLENCE SHELTERS | N.H. REV. STAT. ANN § 173-C:2 (1990 & Supp. 1992) | Confidential communications between victims and counselors. | A victim has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to a domestic violence counselor. This includes any records made during the time the victim was receiving services such as assistance, support, and counseling. Any confidential communication or record may be disclosed only with the prior written consent of the victim. |
| HOSPITALS | N.H. REV. STAT. ANN § 329:26 (Supp. 1992) | Confidential Communications. | Establishes the physician-patient privilege. No physician or surgeon shall be required to disclose any privileged communications with a patient. In <u>Nelson v. Lewis</u> (1987) 130 NH 106, 534 A2d 720, the court ruled that the physician-patient privilege is not absolute and must yield when the disclosure of information is considered essential. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | N.H. REV. STAT. ANN § 189:49-A (1989) N.H. REV. STAT. ANN § 91-A:5 (1990 & Supp. 1992) | Fingerprinting Program Exemptions [from access to public records]. | Requires schools to allow law enforcement officers who are conducting investigations of missing children access to relevant school records of a student that is or may be a missing child. The law enforcement officer may have copies of the records if the student's parent, guardian, or legal custodian consents. Personal school records of pupils are exempt from public disclosure. This includes the names and addresses of public school students. |
| OTHER RELEVANT STATUTE | N.H. REV. STAT. ANN § 169-E:3 | Procedure[in finding a missing child]. | Allows law enforcement agency to obtain available information from any persons about a missing child subject to constitutional and statutory limitations. |

NEW JERSEY

| | STATUTE | TITLE/HEADING | SUMMARY |
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| CHILD WELFARE AGENCIES | N.J. STAT. ANN. § 9:6-8.10a (West) | Reports and information of child abuse reports; confidentiality; release. | A police or other law enforcement agency investigating a report of child abuse or neglect; a parent, guardian or other person who is responsible for the child's welfare; and a court upon finding that the information is necessary for a determination of an issue before the court may have access to all records of child abuse reports, all information obtained by the Youth and Family Services during their investigations of child abuse or neglect reports, and all reports in the central registry. |
| DOMESTIC VIOLENCE SHELTERS | N.J. STAT. ANN. § 30:114-13 (West 1981) N.J. STAT. ANN. § 2A:84A-22.14 (West Supp. 1993) | Confidentiality for persons seeking shelter services. Victim counselor's privilege. | Information which reveals the identity or location of a person seeking shelter services shall not be disclosed unless the person seeking shelter gives consent or as otherwise required by law. Victim counselor has a privilege not to be examined as witness under any civil or criminal proceeding with regard to confidential communication. Moreover a victim counselor cannot be compelled to identify the name, address, location, or telephone number of a domestic violence shelter. |
| HOSPITALS | N.J. STAT. ANN. § 2A-84A-22.2 (West 1976) | Patient and physician privilege. | A physician has the privilege not to disclose communication made between the physician and the patient if the patient claims the privilege to prevent disclosure by the physician, the judge finds the communication was confidential, and the patient and physician found the communication necessary for the treatment of the patient. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | N.J. STAT. ANN. § 18A:36-19 (West 1989) N.J. STAT. ANN. § 18A:36-19a & §18A:36-24 et seq. (West 1989) | Pupil records; creation, maintenance and retention, security and access.... Newly enrolled students; records and identification [for missing children]. | A parent or guardian or an adult student has the right of access to information about the student in the student's school records and the right to have reasonable privacy against other persons regarding the student's records. Established to complement the law requiring schools to notify law enforcement agencies when a missing child is detected, , it requires a school enrolling a new student to request in writing the student's records from the student's previous school and proper identification of any new student such as a certified copy of the student's birth certificate. |

NEW YORK

| | STATUTE | TITLE/HEADING | SUMMARY |
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| CHILD WELFARE AGENCIES | N.Y. Soc. SERV. §422 (McKinney 1992) | Statewide central register of child abuse and maltreatment. | All reports and records concerning child abuse or neglect may be available to a court upon finding that the information is necessary for determination of an issue before it, to a officers of all law enforcement agencies in the state when such information is necessary to conduct a criminal investigation or criminal prosecution, and to a criminal justice agency conducting an investigation of a missing child where there is reason to suspect that such child or family members are subjects in child abuse and neglect reports and such information is needed to further the investigation for the missing child. |
| DOMESTIC VIOLENCE SHELTERS | N.Y. Soc. SERV. § 459-h (McKinney 1989) N.Y. COMP. CODES R. REGS. tit. 18, § 452.10 (1989) | Confidentiality. Confidentiality. | The street address for victims of domestic violence shall be confidential and disclosed only to persons designated by rules and regulations of Department of Social Services and pursuant to Chapter 91. All records, books, reports, and papers of a shelter are confidential and may be released in some circumstances. For example, release of the information is permitted to persons or entity with a court order. |
| HOSPITALS | N.Y. CIV. PRAC. L. & R. § 4504 (McKinney 1992) | Doctor-Patient Privilege[exceptions]. | A dentist is required to disclose information necessary for identification of a patient. Also a physician, dentist, podiatrist, chiropractor or nurse are required to disclose information indicating that a patient who is under the age of sixteen years has been the victim of a crime. |
| RUNAWAY SHELTERS | N.Y. EXEC. § 532-c (McKinney 1982 & Supp. 1993) N.Y. COMP. CODES R. REGS. tit. 182-1.6 | Notice to parent; return of runaway youth to parent; alternative living arrangements. Confidentiality. | Requires the staff of a runaway program(includes shelters) to preferably within twenty-four hours but within seventy-two hours following the youth's admission into the program to notify the youth's parent, guardian or custodian the youth's presence at the program unless there are compelling circumstances, such as abuse or neglect, why the parent, guardian, or custodian should not be notified. Prohibits disclosure of records or files pertaining to youths who are or have been in a runaway program to any person, agency, or institution unless the youth consents or it concerns the investigation of a child abuse or neglect report. |
| SCHOOLS | | | |

NEW YORK

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| OTHER RELEVANT STATUTES | N.Y. PUB. OFF. § 96 (McKinney 1988 & Supp. 1993) | Disclosure of records(public agencies) | An agency may not disclose any record or personal information unless such disclosure is to any government unit or component thereof which performs as one of its principal functions any activity pertaining to the enforcement of criminal laws provided that such record is reasonably described and requested solely for a law enforcement function. |
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NEW MEXICO

| | STATUTE | TITLE/HEADING | SUMMARY |
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| CHILD WELFARE AGENCIES | N.M. STAT. ANN. § 32-1-44 (Michie Supp. 1992) | Confidentiality; records. | Law enforcement officials may have access to child abuse and neglect records in possession of court as a result of a child abuse and neglect proceeding or established in anticipation of or incident to a neglect or abuse proceeding. |
| DOMESTIC VIOLENCE SHELTERS | | | |
| HOSPITALS | N.M. STAT. ANN. § 14-6-1 (Michie 1988) | Health information; confidentiality; immunity from liability for furnishing. | All health information that identifies a specific individual as a patient in a licensed health facility is confidential and not considered a matter of public record or accessible to the public; however, the custodian of the information may furnish the information upon request to a governmental agency or its agent. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | N.M. STAT. ANN. § 14-2-1 (Michie 1988) | Right to inspect public records; exceptions. | Any citizen may examine public records. Op. Att'y Gen. No. 61-137 (1961-62) states daily attendance records and permanent records of an individual student's grades are public records. |
| OTHER RELEVANT STATUTE | N.M. STAT. ANN. § 32-8-4 (1989) | Birth records of missing children; state registrar's duties. | Requires state registrar to flag a missing child's birth certificate and to notify a law enforcement agency when there is any requests for a flagged birth certificate. If the missing child is born in another state from the state in which the child was reported missing, the registrar must notify the corresponding officer in the state where the child was born of the child's missing status and to flag the birth certificate of the missing child. |

NORTH CAROLINA

| | STATUTE | TITLE/HEADING | SUMMARY |
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| CHILD WELFARE AGENCIES | N.C. GEN. STAT. § A-552 (1989) | Central registry. | Requires the Social Services Commission to adopt policies governing access to data of the central registry of abuse and neglect cases. |
| DOMESTIC VIOLENCE SHELTERS | | | |
| HOSPITALS | N.C. GEN. STAT. § 8-53 (1986 & Supp. 1992) | Communications between physician and patient. | Information in medical records may only be disclosed with a patient's consent, or if deceased, the executor, administrator, or the next of kin, or a judge may require disclosure if it is in his/her opinion that disclosure is necessary to administer justice. |
| RUNAWAY SHELTER | | | |
| SCHOOLS | N.C. GEN. STAT. § 115C-402 (1991) | Student records; maintenance; contents; confidentiality. | A student's records are confidential and are not public records. |
| | N.C. GEN. STAT. § 115C-403 (1991) | Flagging and verification of student records; notification of law enforcement agencies. | Requires schools to flag a missing child's school records and to notify a law enforcement agency of any inquiries made about any flagged records before releasing the student's records. Also a school must request written verification of a transferred student's school records from the previously attended school when the child's parent, custodian, or guardian provides a copy of the child's record from the previous school. |

NORTH DAKOTA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|---|---|
| CHILD WELFARE AGENCIES | N.D. CENT. CODE § 50-25.1-11 (1989) | Confidentiality of records- Authorized disclosures. | Public officials and their authorized agents may have access to all reports or information obtained regarding child abuse and neglect in order to carry out their official duties. |
| DOMESTIC VIOLENCE SHELTERS | N.D. CENT. CODE 114-07.1-18 (1991) | Domestic violence or sexual assault program records- Confidentiality-Exceptions- Penalty. | Requires agents, employees, and volunteers of a domestic violence program to maintain the confidentiality of the name, address, telephone number, personally identifying information, and case file or history of any client receiving services from the program with some exceptions. This includes situations when the client consents to the release, or the agent, employee, or volunteer determines disclosure is necessary for protection of the safety of the client or a third party. |
| HOSPITALS | N.D. CENT. CODE § 23-16-09 (1991) | Information confidential. | Case records of hospitals and of institutions providing maternity care may only be disclosed in a judicial proceeding, to health and social agencies interested in the patient, and to persons who have a direct interest in the well-being of the patient or her infant. |
| RUNAWAY SHELTERS | N.D. CENT. CODE § 12.1-08-10 (Supp. 1991) | Harboring a runaway minor- Penalty. | A person who harbors a runaway with the knowledge that law enforcement authority is seeking the runaway is guilty of a class A misdemeanor. This does not apply to a person who provides temporary shelter not to exceed seventy-two hours, to a runaway who is seeking refuge from a physically, sexually, or mentally abusive person. |
| SCHOOLS | N.D. CENT. CODE § 54-23.2-04.2 (Supp. 1991) | School enrollment procedures to aid identification and location of missing children. | Requires schools to require a child's parent or guardian to provide proof of a child's identity within forty days after enrolling a child into the school and to request from the child's previous school the child's records. If a parent is unable to provide proof of the child's identity within forty days, the school shall notify the missing person information program and a local law enforcement agency that no proof of identity has been presented for the child. Also requires schools to flag a missing child's records and to notify the missing person information program and a local law enforcement official when there is a request for any flagged records. The school may not inform the person claiming custody of the child of any ongoing investigation by law enforcement agencies of the missing child. |
| OTHER RELEVANT STATUTE | N.D. CENT. CODE § 44-04-18 (Supp. 1991) | Access to public records- Penalty. | All records of public or government bodies, boards, bureaus, commissions, or agencies of the state, or organizations or agencies supported in whole or in part by public funds shall be public records and open and accessible for public inspection unless otherwise provided by law. |

MAINE

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|---|---|
| CHILD WELFARE AGENCIES | ME. REV. STAT. ANN. tit. 22, § 4008 (West 1992 & Supp. 1992) | Records; confidentiality; disclosure. | Records which contain personally identifiable information that are obtained or created in child protective activities may be released to any agency or person investigating or participating in an investigation of a child abuse or neglect report or the parent or custodian of the child who is the subject of the report. Disclosure of these records are mandatory upon a court's finding that access to the records is necessary to determine an issue before the court. |
| DOMESTIC VIOLENCE SHELTERS | ME. REV. STAT. ANN. tit. 22, § 7703 (West 1992) | Records; disclosure. | This applies to facilities for children and adults and includes domestic violence shelters. All personally identifiable information are confidential with some exceptions. Facilities may disclose information to a law enforcement agency investigating a report of child or adult abuse or neglect and to a court on its finding that access to those records may be necessary for the determination of any issue before the court. |
| HOSPITALS | ME. REV. STAT. ANN. tit. 22 § 1711--B ME. REV. STAT. ANN. tit. 19 § 905 (West 1992) | Patient access to hospital medical records. Patient access to treatment records, health care practitioners. Confidentiality; notification. | Hospitals and health care practitioners must release medical records and treatment records to the parent, guardian ad litem, or legal guardian if the patient is a minor. Enables minors to give consent to medical services if they are living separately and independent of parental support, married, in the Armed Forces, or emancipated. They are entitled to the same confidentiality given to adults. A health care practitioner or health care provider may notify the parent or guardian of the minor if failure to notify would seriously harm the minor's health. |
| RUNAWAY SHELTERS | ME. REV. STAT. ANN. tit. 22 § 4023 (West 1992) | Short-term emergency services. | Short-term emergency services must take reasonable steps to notify a runaway's parent(s) or custodian that the child is receiving services at a shelter. Notification procedures for shelters for homeless children are governed by the Department of Human Services rules for licensure of shelters for homeless children. |
| SCHOOLS | ME. REV. STAT. ANN. tit. 20-A § 6001 (West 1993) | Dissemination of information. | FERPA, 20 USC § 1232(g), governs the dissemination of information about students. |

OHIO

| | STATUTE | TITLE/HEADING | SUMMARY |
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| CHILD WELFARE AGENCIES | OHIO REV. CODE ANN. § 2901.30(H) (Pages 1993) | Missing child report-notice of return. | The county children services board or a county department of human services exercising children services functions shall provide all available information concerning a missing child to an investigating law enforcement agency. Information thus gained shall be used only to locate the missing child. |
| DOMESTIC VIOLENCE SHELTERS | OHIO REV. CODE ANN. § 3113.36 (Pages 1989) | Requirements for qualifying for funds; disqualification. | In order to qualify for funds from the state, domestic violence programs (including shelters) must require persons employed by or volunteering services to the shelter to maintain the confidentiality of any information that would identify a shelter's client. |
| HOSPITALS | OHIO REV. CODE ANN. § 2317-02(A) (Pages Supp. 1992) OHIO REV. CODE ANN. § 3701.74 (Pages Supp. 1992) | Privileged communications and acts. [Patient's access] | Recognizes doctor-patient privilege; however, child abuse cases must be reported. Hospitals must furnish a copy of a patient's record upon a patient's request. |
| RUNAWAY SHELTERS | OHIO REV. CODE ANN. § 5119.66 (Pages 1993) OHIO REV. CODE ANN. § 2901.30(D), (H) (Pages 1993) | Regulation of facilities and programs for runaways. Missing child report-notice of return. | Rules governing shelters for runaways, in accord with Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, 42 USC § 5701, [requiring notice to parents but otherwise confidential records], shall be adopted by the boards of alcohol, drug addiction, and mental health services. In shelters operated by the county children services board or a county department of human services, those entities shall grant a law enforcement agency investigating a missing child case access to any known relevant information. Information thus gained shall be used only to locate the child. This section shall not otherwise impair confidentiality of services to runaways. |

OHIO

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| <p>SCHOOLS</p> | <p>OHIO REV. CODE ANN. § 3313.672 (Pages Supp. 1992)</p> <p>OHIO REV. CODE ANN. § 3319.321 (Pages Supp. 1993)</p> | <p>New pupils to present school records, custody order, and certification of birth.</p> <p>Confidentiality of student information; law enforcement use.</p> | <p>A pupil enrolling in a new school must present any records from his/her most recently attended school, a certified copy of a child custody order or modification decree if applicable, and a birth certificate or other comparable certificate. If the pupil's parent cannot produce these records, than the school must notify a law enforcement agency of the possibility that the pupil might be a missing child.</p> <p>Schools must provide access to student's records to any law enforcement agency conducting a missing child investigation. Schools must also provide a noncustodial or custodial parent equal access to school records, except that a court order to the contrary must be honored. If a school receives a transfer of record request from a child's new school, and the new school indicates that the child is currently residing with a parent in a shelter for victims of domestic violence, the first school may not reveal the name or location of the new school to the other parent.</p> |
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OKLAHOMA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|--|--|
| CHILD WELFARE AGENCIES | OKLA. STAT. ANN. tit.21, § 846 (West Supp. 1993) | Mandatory reporting of physical abuse or birth of chemically-dependent child.... | Law enforcement agencies investigating a report of suspected child abuse or neglect shall have access to the central registry of child abuse or neglect reports maintained by the Child Welfare Division of the Department of Human Services. The Department of Human Services may establish more rules and regulations in furtherance of this provision. |
| DOMESTIC VIOLENCE SHELTERS | OKLA. STAT. ANN. tit. 43A § 3-313 (West 1990) | Domestic violence and sexual assault shelters-Records. | Client records, which includes all communications, records, and information regarding clients of domestic violence and sexual assault programs, are confidential and shall not be disclosed except with the client's consent or with by a court order for good cause shown. |
| HOSPITALS | OKLA. STAT. ANN. tit. 63-2602 (West 1984 & Supp. 1993) | Right of self-consent under certain conditions-- doctor patient privilege. | Health professionals ¹ may release treatment information about a minor to the parents of the minor and such disclosure shall not constitute a breach of privacy. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | OKLA. STAT. ANN.. tit. 51, § 24A.16 (West 1988) | Educational records and materials-confidentiality. | <p>Directory information, which includes a student's name, address, telephone listing, date and place of birth, about a student shall be open for inspection and copying. Schools that make directory information public shall allow reasonable time for a parent to inform the school that the information may not be released without the parent's prior consent or the student's consent if he/she is eighteen years of age or older.</p> <p>FERPA, 20 USC §1232g, controls the procedures for disclosure of directory information by schools trying to obtain federal funding. Op. Atty. Gen. No. 85-167 (Nov. 5, 1985).</p> |

¹ "Health professional" means any licensed physician, psychologist, dentist, osteopathic physician, podiatrist, chiropractor, registered or licensed practical nurse or physician's assistant. § 2601 (Supp. 1993)

OREGON

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---------------------------------|--|---|
| CHILD WELFARE AGENCIES | OR. REV. STAT. § 418.770 (1985) | Confidentiality of records; when available to others. | Law enforcement agency may have access to all records and reports concerning child abuse and neglect for the purpose of child abuse and neglect investigations. The Children's Services Division may also release information concerning child abuse and neglect if it determines the disclosure is necessary to administer child welfare services and is in the best interest of a child, or to prevent, investigate or treat child abuse and neglect. |
| DOMESTIC VIOLENCE SHELTERS | OR. REV. STAT. § 108.620 (1991) | Grants and contracts for programs to prevent family violence; conditions. | In order to receive funding, domestic violence programs must maintain the confidentiality of all information related to a client in a shelter house or safe home. The location of shelter homes and facilities are also confidential. |
| HOSPITALS | OR. REV. STAT. § 146.535 (1990) | Medical practitioners to provide information about missing persons. | Requires dentist, denturist, physician, optometrist, or other medical practitioners to furnish client information upon police agency's requests for identifying information to use for identification of missing persons. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | OR. REV. STAT. § 336.195 (1990) | Student records to be confidential; inspection by parents; release of records for civil or criminal proceedings. | Parent or legal guardian may have access to all student records. |
| | OR. REV. STAT. § 192.501 (1985) | Public Records Act. | Student records are exempt from public disclosure. |

PENNSYLVANIA

| | STATUTE | TITLE/HEADING | SUMMARY |
|----------------------------|---|---|--|
| CHILD WELFARE AGENCIES | 23 PA. CONST. STAT. ANN. § 5340 (1991) | Release of information in confidential reports. | Records concerning reports and investigations child abuse and neglect may be disclosed to the Attorney General and law enforcement officials in the course of investigating cases of homicide, sexual abuse, sexual exploitation, or serious bodily injury, child abuse perpetrated by persons who are not family members, and occurrences of physical injury to a child which indicates the child's health or welfare is harmed or threatened. |
| DOMESTIC VIOLENCE SHELTERS | 23 PA. CONST. STAT. ANN § 5309 (1991) | Access to records and information. | A court shall not order that an address of a shelter for battered spouses and dependent children or other confidential information of a domestic violence counselor be disclosed to the other party a custody question. |
| HOSPITALS | 23 PA. CONST. STAT. ANN § 5309 (1991) 42 PA. CONST. STAT. ANN § 5929 (1982 & Supp. 1992) | Access to records and information. Physicians not to disclose information. | Both noncustodial parent and custodial parent may have access to all medical, dental, religious or school records of the child, the residence address of the child unless a court decides otherwise. Physicians are not allowed to disclose any information communicated between the physician and a patient in any civil proceedings. [This does not apply in criminal proceedings, see <u>Com. v. Moore</u> , 548 A.2d 1250, 378 Pa. Super. 379, 1988, appeal granted 557 A.2d 720, 722, 521 Pa. 619. and to dental records, <u>Pennsylvania Dental Ass'n v. Com., Dept. of Health</u> , 461 A.2d 329, 75 Pa.Cmwlth. 7, 1983. |
| RUNAWAY SHELTERS | | | |

PENNSYLVANIA

| | | | |
|-----------------------|---|--|---|
| <p>SCHOOLS</p> | <p>65 PA. CONST. STAT. ANN § 66.2 (1959 & Supp. 1992)</p> <p>23 PA. CONST. STAT. ANN § 5309 (1991)</p> <p>Refer to policy guidelines for the State Board of Education for more details about access to records.</p> <p>35 PA. CONST. STAT. ANN § 450.404-A (Supp. 1992)</p> | <p>Examination and inspection.</p> <p>Access to records and information.</p> <p>Missing children: notations on birth and school records.</p> | <p>Every public record of an agency shall be open for examination and inspection by the public. In <u>Young v. Armstrong School Dist.</u>, 344 A.2d 738, 21 Pa.Cmwith. 203, 1975, the court ruled that the list of names and addresses of kindergarten children in school district were public records and subject to disclosure.</p> <p>Both noncustodial parent and custodial parent may have access to all medical, dental, religious or school records of the child, the residence address of the child unless a court decides otherwise.</p> <p>Requires Division of Vital Records of Department of Health to mark the birth certificate record of a missing child so that if the birth certificate is requested, the division will be aware that the record is that of a missing child's birth certificate. Also requires schools to mark a missing child's school records so that if the record is requested, the school will be aware that the records is that of a missing child. § 450.404-A (Supp. 1992) requires the division or school to not release any requests made regarding a missing child's records to a person requesting the records prior to contact with the law enforcement agency.</p> |
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RHODE ISLAND

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|---|--|
| CHILD WELFARE AGENCIES | R.I. GEN. LAWS § 40-11-13 (1990) | Confidentiality of reports and records--penalty for disclosure. | Records concerning child abuse and neglect reports are confidential except as specified by this act and authorized by the Family Court in furtherance of purposes connected with this chapter. |
| DOMESTIC VIOLENCE SHELTERS | | | |
| HOSPITALS | R.I. GEN. LAWS § 5-37.3-4 (1987 & Supp. 1992) | Confidentiality of health information act: limitations on and permitted disclosure. | Hospital records are confidential and may be disclosed without the patient's consent only in some situations. A health care provider may provide information to a law enforcement agency or to a person if the person or his/her family may be in danger from the patient or to a law enforcement agency or child protective services if the provider believes that a minor patient has been physically or psychologically abused. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | R.I. GEN. LAWS § 42-28.7-7 (1988) | School records-flag required. | Requires schools to flag a missing child's school records. The school shall not provide a copy of the school records or any other information when a flagged record is requested, and shall notify the law enforcement authority or missing children's information center of such requests. |
| OTHER RELEVANT STATUTE | § 42-28.8-8 (1988) | Birth certificates-flagging required. | Requires state registrar and local registrar of vital statistics to flag the birth certificate records of a missing child and to notify the missing children's information center as to any requests for the birth records of a missing child. |
| | § 38-2-2 (Supp. 1992) | Access to public records. | Pupil records and medical records identifiable to an individual are not public records. |

SOUTH CAROLINA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|--|--|
| CHILD WELFARE AGENCIES | S.C. CODE ANN. § 20-7-690 (Law. Co-op. Supp. 1992) | Confidentiality of reports and records; penalties. | All reports and information concerning child abuse and neglect investigations are confidential with exceptions. Law enforcement agencies investigating suspected cases of abuse and neglect, family courts, and any person who is the subject a report may have access to the records and reports maintained by the State Department of Social Services, local child protective service agencies, and Central Registry of Child Abuse and Neglect. |
| DOMESTIC VIOLENCE SHELTERS | | | |
| HOSPITALS | S.C. CODE ANN. § 44-15-20 to 44-115-40 (Law. Co-op. Supp. 1992) | Physician Patient Records Act. | A patient or his legal guardian has a right to receive a copy of his/her medical records. Other persons may obtain a patient's medical records only upon a written consent of the patient or persons authorized by law to act on behalf of a patient such as a legal guardian. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | | | [state follows FERPA, 20 USC §1232(g). See, e.g., 72 Op. Att'y Gen. 208 (1988).] |

SOUTH DAKOTA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|--|---|
| CHILD WELFARE AGENCIES | S.D. CODIFIED LAWS ANN. § 26-8A-13 (Supp. 1993) | Confidentiality of abuse & neglect information-violation as misdemeanor-releases to certain parties. | Law enforcement agencies investigating reports of known or suspected child abuse and neglect reports may have access to all investigative case records and files concerning child abuse and neglect reports. Moreover, a court may order the release of the information or any portion of it if it determines that the information is necessary for determination of an issue before the court. |
| DOMESTIC VIOLENCE SHELTERS | S.D. CODIFIED LAWS ANN. § 25-10-20 (1992) | Confidentiality of victims receiving services. | Requires county board of commissioner to provide for the confidentiality of victims of domestic violence receiving services from local domestic abuse programs. |
| HOSPITALS | S.D. CODIFIED LAWS ANN. § 19-13-7(1987) | Patient's privilege on confidential communications with physician. | Recognizes a privilege for doctor's and hospital records. Privilege may be claimed or waived by patient, his/her guardian or conservator, or personal representative of a deceased patient. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | | | |
| OTHER RELEVANT STATUTE | S.D. CODIFIED LAWS ANN. § 22-19-16 (1988) | Information provided about missing child. | Law enforcement agency may obtain available information about a missing child from other persons subject to constitutional and statutory limitations. |

TENNESSEE

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|------------------------------------|---|--|
| CHILD WELFARE AGENCIES | TENN. CODE ANN. § 71-6-118 (1991) | Confidentiality of information, reports and proceedings--penalties. | It is unlawful for any persons to disclose or to receive any information concerning a report or investigation of child abuse and neglect except for purposes directly connected with the prosecution or investigation of a suspected child abuse and neglect case. |
| DOMESTIC VIOLENCE SHELTERS | | | |
| HOSPITALS | TENN. CODE ANN. § 68-11-304 (1992) | Records property of hospitals--access--not public records. | Hospital records are the property of the hospital and shall be released by a court order, to a patient or patient's authorized representative upon a written request by the patient or the representative. |
| RUNAWAY SHELTERS | TENN. CODE ANN. § 37-2-506 (19) | Shelter for runaways. | A runaway may be given shelter for seventy-two hours provided that the shelter has made a good faith attempt to notify the juvenile court or the runaway's parent or guardian of his/her location within one hour of the runaway's arrival. |
| SCHOOLS | TENN. CODE ANN. § 10-7-503 (1992) | Records open to public inspection--exceptions. | Information relating only to a student's name, age, address, dates of attendance, grade levels completed, class placement and academic degrees awarded may be disclosed to any person, agency, or the public. |
| OTHER RELEVANT STATUTE | | | |

TEXAS

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|---|---|
| CHILD WELFARE AGENCIES | TEX. FAM. CODE ANN. § 34.08 (West 1993) | Confidentiality. | Reports, records, and working papers maintained in an investigation of child abuse and neglect are confidential and may be disclosed only in accordance with guidelines, regulations, and purposes established by an investigating agency. |
| DOMESTIC VIOLENCE SHELTERS | TEX. HUM. RES. CODE ANN. § 51.007 (West 1990) | Confidentiality. | The Department of Human Services may not disclose any information gained through reports, collected case data, or inspections that would identify a particular center or a person working at or receiving services at a family violence shelter center. |
| HOSPITALS | TEX. REV. CIV. STAT. ANN. art. 4495b (West Supp. 1993) | Medical Practices Act: physician-patient communication. | There is a physician-patient privilege; however, there are exceptions to the confidentiality or privilege. Some examples are when the patient or a parent of a minor patient submits a written consent to the release of the confidential information; to law enforcement personnel if the physician feels there is imminent physical danger to the patient or others, or there is a probability of immediate mental or emotional injury to the patient; and to governmental agencies if disclosures are required or authorized by law. |
| RUNAWAY SHELTERS | TEX. REV. PENAL CODE ANN. § 25.07 (West 1989 & 1993) | Harboring runaway child. | A person commits an offense if he/she knowingly harbors a child who is a runaway unless the person notifies a law enforcement agency or a person at the child's home of the presence of the child within 24 hours after discovering that the child is a runaway. |
| SCHOOLS | TEX. REV. CIV. STAT. ANN. art. 6252-17a (West Supp. 1993) | Education records. | FERPA, 20 USC § 1232, is controlling. A student's records may be released to educational personnel, the student, the student's parents, legal guardian, or spouse, and to persons investigating a child abuse and neglect case. |

TEXAS

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|---------------------------------------|---|--|---|
| OTHER RELEVANT STATUTE | TEX. HUM. RES. CODE ANN. § 79.014 (West 1990) TEX. FAM. CODE ANN. § 14.02--14.02 (West 1989) | Availability of information through other agencies[missing children investigations] Rights, privileges, duties, and powers of managing and possessory conservator. | A city or state agency shall furnish the law enforcement agency with any information about a missing child upon the request of a law enforcement officer investigating a missing child case. § 14.02 and 14.03 of give both managing conservator and possessory conservator access to medical, dental, and educational records of their child(ren). The place of residence of a managing conservator must be deleted from all records released to the possessory conservator. |
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UTAH

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|---|--|
| CHILD WELFARE AGENCIES | UTAH CODE ANN. § 62a-4-513 (1989) | Reports and information confidential. | Law enforcement agencies investigating a report of known or suspected child abuse and neglect, a guardian of the subject of the report, and a court upon a finding that access to the records may be necessary for determination of an issue before it may have access to any reports or other information concerning child abuse and neglect cases. |
| DOMESTIC VIOLENCE SHELTERS | | | |
| HOSPITALS | UTAH CODE ANN. § 78-25-25 (1992) UTAH CODE ANN. § 63-2-202 (Supp. 1993) | Patient's records-Inspection and copying by attorneys. Access to private, controlled, and protected documents[of a governmental entity]. | Allows an attorney to copy and to inspect a patient's records when she/he presents to an health professional or hospital a written authorization signed and acknowledged by the patient or in the case of a minor, by a parent or a guardian. The subject of the record and the parent or legal guardian of an unemancipated minor who is the subject of the record may have access to records containing data on the subject describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | | | |
| OTHER RELEVANT STATUTE | UTAH CODE ANN. § 63-2-206 (Supp. 1993) | Sharing records. | Allows a governmental entity to disclose a record that is private, controlled, or protected which may be evidence or relate to a violation of law to a government prosecutor, peace officer, or auditor. It also states that if there is a federal statute or federal regulation that prohibits or requires sharing information, that federal statute or regulation controls. |

VERMONT

| | STATUTE | TITLE/HEADING | SUMMARY |
|----------------------------|--|---|--|
| CHILD WELFARE AGENCIES | Vt. STAT. ANN. tit. 33 § 4916 (1991) | Records of abuse and neglect. | Requires the commissioner of social and rehabilitation services to adopt rules to permit use of the information in the registry while preserving the confidentiality of the records. The subject of the report, the state's attorney, and persons designated by the commission to investigate and receive reports of child abuse and neglect may have access to the registry. In no event shall records be made available to a law enforcement agency other than the state's attorney. |
| DOMESTIC VIOLENCE SHELTERS | | | |
| HOSPITALS | Vt. RUL. EVID. 503 (1982 & Supp. 1992) | Patient's privilege. | A patient has a privilege to refuse to disclose and to prevent any other from disclosing confidential communications made for the purpose of treatment for the patient's physical, mental, dental, or emotional condition. There are exceptions. There is no privilege for information that is necessary to identify a patient and for information indicating that a patient under the age of sixteen years has been the victim of a crime. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | Vt. STAT. ANN. tit. 1 § 317 (1985) | Definitions; public agency; public records and documents. | Student records at educational institutions funded wholly or in part by the state are exempt from public disclosure; however, the records shall be made available upon request under the provisions of FERPA, 20 USC § 1232g. |

VIRGINIA

| | STATUTE | TITLE/HEADING | SUMMARY |
|----------------------------|---|---|--|
| CHILD WELFARE AGENCIES | VA. CODE ANN. § 63.1-248.8 (Michie Supp. 1993) | Central registry; disclosure of information. | Child abuse or neglect records maintained in a central registry are not open for public disclosure. |
| DOMESTIC VIOLENCE SHELTERS | VA. CODE ANN. § 2.1-342 (Michie Supp. 1993) | Official records to be open to inspection; ...exceptions to application of chapter. | Confidential records, including a victim's identity, of a program for battered spouses, shall not be accessible to the public. |
| HOSPITALS | VA. CODE ANN. § 2.1-342 (Michie Supp. 1993) | Official records to be open to inspection;... exceptions to application of chapter. | A parent or guardian of a minor under the age of eighteen may have access to the child's medical records unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | VA. CODE ANN. § 22.1-287 (Michie 1985) VA. CODE ANN. § 22.1-287.1 (Michie 1985) VA. CODE ANN. § 22.1-288.1 (Michie Supp. 1993) | Limitations on access to records. Directory information. Cooperation with local law-enforcement agencies; notification in school records of missing children. | A parent or a guardian of a student and a state or law-enforcement officer seeking information in the course of his or her duties may have access to any written records concerning the student. Directory information ¹ may be released in accordance with federal law and regulations and regulations of the Board of Education. Schools must flag the records of any students who are missing. The school must notify the law-enforcement agency which reported the child missing of any requests made for the student's school records or birth record and the location of the school or person who made the request. |

¹ "Directory information" may include the student's name, sex, address, telephone listing, date and place of birth....§ 22.1-287.1
(Michie 1985)

WASHINGTON

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|--|--|
| CHILD WELFARE AGENCIES | | | |
| DOMESTIC VIOLENCE SHELTERS | <p>WASH. REV. CODE ANN. § 70.123.075 (West 1992)</p> <p>WASH. REV. CODE ANN. § 40.24.010 et. seq. (West 1993)</p> | <p>Client records.</p> <p>Address confidentiality for victims of domestic violence.</p> | <p>Client records in domestic violence programs are not subject to discovery in any judicial proceeding unless the court orders that the records are discoverable.</p> <p>In order to allow state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, an adult person or a gaurdian or parent acting on behalf of a minor may apply to the secretary of state to have their address confidential and use a substitute mailing address assigned by the secretary of state. State and local agencies shall use the mailing address as the victim's address.</p> |
| HOSPITALS | <p>WASH. REV. CODE ANN. § 26.09.197 (West Supp. 1993)</p> <p>WASH. REV. CODE ANN. § 70.02.010 (West 1992)</p> | <p>Access to child's education and health care records.</p> <p>Disclosure without patient's authorization.</p> | <p>Each parent shall have full and equal access to the health records of a child unless there is a court order to the contrary.</p> <p>A health care provider may disclose health care information about a patient without the patient's authorization on a need to know basis to any person if the health care provider reasonable believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, to immediate family members orally unless the patient has instructed the provider not to make the disclosure, and in a situation in which there is significant importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure. A health care provider also may provide directory information¹ to anyone unless the patient has instructed the health care provider not to make the disclosure. Disclosure is also permitted to federal, state, or local law enforcement authorities to the extent the health care provider is required by law.</p> |

WASHINGTON

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| RUNAWAY SHELTERS | WASH. REV. CODE ANN. § 13.32A.090 (West Supp. 1993) | Duty to inform parents of child's whereabouts, condition and reconciliation procedure.... | Requires person in charge of a crisis residential center to immediately notify the child's parent of the child's whereabouts and physical and emotional conditions. The center must also inform the parent of the procedures for family reunification or whether referral to the children's protective services has been made and the standard pursuant to a report of child abuse and neglect in the state. |
| SCHOOLS | WASH. REV. CODE ANN. § 26.09.197 (West Supp. 1993) | Access to child's education and health care records. | Each parent shall have full and equal access to the education records ² of a child unless there is a court order to the contrary. |

WEST VIRGINIA

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|---|--|--|
| CHILD WELFARE AGENCIES | W. VA. CODE § 49-7-1 (1992) | Confidentiality of records. | All records of state department, the court and its officials, law-enforcement agencies and other agencies or facilities concerning a child such as child abuse or neglect reports excluding the identity of the reporter of the abuse or neglect shall be made available to the child, parent, or attorney of the child, where authorized by law, and pursuant to subpoena or order of a court of record. |
| DOMESTIC VIOLENCE SHELTERS | W. VA. CODE § 48-2C-15 (1992 & Supp. 1993) | Confidentiality. | A domestic violence program or shelter may not release or be compelled to release any written records of clients except upon written consent of the person seeking the services; pursuant to a court order if the court finds that the information is so relevant to a proceeding before the court as to outweigh the importance of maintaining the confidentiality; or to protect against a clear and substantial danger of imminent injury by a client to him or herself or another. |
| HOSPITALS | W. VA. CODE § 29B-1-4 (1993) | Exemptions [from public disclosure under the Freedom of Information Act]. | Information of a personal nature such as medical records are exempt from public disclosure since disclosure would constitute an unreasonable invasion of privacy; unless the public interest by clear and convincing evidence requires disclosure in the particular instance. Names and addresses are not considered personal or private facts but are public in nature. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | W. VA. CODE § 18-2-5c (Supp. 1993) Refer to the "Dept. of Educ. Procedures Related to the Collection, Maintenance, and Disclosure of Student Data. | Birth certificate required upon admission to public school; required notice to local law enforcement agency of missing children. | Require schools to notify to the law enforcement agency of incidents when a parent is unable to produce his/her child's birth certificate when they are enrolling his/her child in public school for the first time. A school enrolling a transfer student shall request from the student's previous school to transfer a certified copy of the pupil's birth record. |

WISCONSIN

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|--|--|---|
| CHILD WELFARE AGENCIES | Wis. STAT. ANN. § 48-981 (West 1987 & Supp. 1992) | Abuse or neglected children; confidentiality. | Law enforcement officer or agency may have access to the reports and records of abuse or neglected children for purposes of investigation or prosecution. |
| DOMESTIC VIOLENCE SHELTERS | Wis. STAT. ANN. § 895.67 (West Supp. 1992) | Domestic abuse service; prohibited disclosure. | No employee or agent of a domestic abuse services organization ¹ may disclose to any person the location of the service recipient, any minor child of the service recipient, any minor child in the care or custody of the service recipient, and any minor child who accompanies the service recipient when the service recipient arrived at the organization. |
| HOSPITALS | Wis. STAT. ANN. § 146.82 (West 1989 & Supp. 1992) | Confidentiality of patient health care records; access without informed consent. | Health records may be released without the consent of the patient under a lawful order of a court of record, in response to a written request by any federal or state governmental agency in order to perform a legally authorized function, or to a law enforcement agency for the purpose of a child abuse or neglect investigation. |
| RUNAWAY SHELTERS | Wis. STAT. ANN. § 48.227 (West 1987) | Runaway homes. | Persons in charge of runaway homes must inform an intake worker when they are sheltering a runaway child without the consent of the parent or guardian. The intake worker must notify the parent or guardian as soon as possible of the child's presence in the runaway home. |
| SCHOOLS | Wis. STAT. ANN § 118.125 (West 1991 & Supp. 1992) | Pupil records. | Parents and guardians may have access to their child's student records. Directory data ² may be disclosed to any person if the school has given public notice of the categories of information it has designated as directory data and has allowed a reasonable time thereafter for the parent or guardian to inform the school that all or any part of the data may not be released without the consent of the parent or guardian. |

1

"Domestic abuse services organization" means any nonprofit organization or public agency that provides any of the following services: shelter facilities or private home shelter care, advocacy and counseling, and a 24-hour service. § 895.67 (West Supp. 1992)

2

"Directory data" means pupil records which include the pupil's name, address, telephone listing, date and place of birth...and the name of the school most recently previously attended by the pupil. § 118.125 (West 1991).

WYOMING

| | STATUTE | TITLE/HEADING | SUMMARY |
|-----------------------------------|------------------------------------|--|--|
| CHILD WELFARE AGENCIES | Wyo. STAT. § 14-3-214 (1986) | Confidentiality of records; penalties; access to information.... | Records concerning reports and investigations of child abuse and neglect may be disclosed to law enforcement agencies for purposes related directly to child protection and to a court or grand jury upon the showing that access to the records is necessary for the determination of an issue before it. |
| DOMESTIC VIOLENCE SHELTERS | Wyo. STAT. § 1-12-116 (1988) | Confidential communications between family violence and sexual assault advocate and victim. | A person who is employed by or volunteers services to any family violence program is exempt from testifying or being examined as a witness in any civil, criminal, legislative, or administrative proceeding regarding a confidential communication made by a victim to the person, unless the victim expressly gives consent or it concerns child abuse and neglect. |
| HOSPITALS | Wyo. STAT. § 35-2-609 (1993) | Disclosure without the patient's authorization. | A hospital may disclose health care information without the patient's authorization to the extent needed by a person to any person if the hospital believes that the disclosure will avoid or minimize an imminent danger to the health or safety of a patient or to another individual; and to immediate family members of the patient unless the patient has instructed the hospital not to make the disclosure. A hospital may also disclose, without the patient's consent, directory information ¹ unless the patient has instructed the hospital not to make the disclosure; information to federal, state, or local law enforcement authorities to the extent required by law; and information in any judicial, legislative or administrative proceeding when the court determines that the party seeking the information has demonstrated that the interest in access outweighs the patient's privacy interest. |
| RUNAWAY SHELTERS | | | |
| SCHOOLS | Wyo. STAT. § 16-4-203 (Supp. 1993) | Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure[Public Records]. | School district records containing information relating to the biography, family, physiology, religion, academic achievement and physical or mental ability of any student is not subject to public disclosure. The person who is the subject of the records and the official(s) appointed or elected to supervise the person may inspect the records. |

¹ "Directory information" means information disclosing the presence and the general health condition of a particular patient who is an inpatient in a hospital or who is currently receiving emergency health care in a hospital. § 35-2-605 (1993).

APPENDIX E

**Overheads Used in Presentation of
Survey and Interview Results**

Notes

Notes

MAIL SURVEY OVERVIEW . . .

- Survey period: April 23 - September 30, 1993
- Responses received from
 - 29 (56%) state public child welfare agencies
 - 20 (38%) state domestic violence coalitions
 - 26 (51%) chief state school officers
 - 13 (25%) state hospital associations
 - 6 (29%) state private child welfare associations
 - 6 (60%) Grantees providing T/TA to those serving runaways

1

AGENCY CHARACTERISTICS . . .

- Public child welfare agencies provide other services
 - 38% provide child care
 - 38% have foster parent associations
 - 24% contract for private nonprofit family services

2

AGENCY CHARACTERISTICS (cont)

- Domestic violence coalitions
 - 95% represent private non-profit programs
 - 25% represent public programs

3

AGENCY CHARACTERISTICS (cont)

- Chief state school officers
 - 100% work with public school systems
 - 23% work with private school systems

4

Notes

AGENCY CHARACTERISTICS (cont)

- Hospital associations
 - 100% represent private nonprofit hospitals
 - 69% represent public hospitals

5

Notes

AGENCY CHARACTERISTICS (cont)

- Runaway and Homeless Youth Training & Technical Assistance Providers
 - 100% work with private youth services agencies
 - 83% work with private nonprofit family service agencies

6

Notes

Notes

PERCENT PROGRAMS EMPLOYING PROFESSIONALS

| Type Staff | Pub Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|----------------|-------------------|-------------------|-----------|----------|---------|
| Social Wk | 83 | 90 | 85 | 100 | 100 |
| Psychology | 76 | 65 | 77 | 65 | 100 |
| Hum Svcs | 72 | 65 | 19 | 54 | 83 |
| Sociology | 69 | 55 | 15 | 23 | 83 |
| Child Dev | 69 | 45 | 35 | 54 | 50 |
| Education | 59 | 45 | 92 | 54 | 87 |
| Family Therapy | 55 | 30 | 0 | 62 | 100 |
| Nursing | 41 | 10 | 65 | 92 | 17 |
| Psychiatry | 24 | 5 | 4 | 85 | 33 |

7

PERCENTAGE OF PROGRAMS THAT PROVIDE STAFF WITH ACCESS TO CLIENT RECORDS

| Type of Staff | Public Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|-------------------|----------------------|-------------------|-----------|----------|---------|
| Professionals | 93 | 60 | 81 | 69 | 83 |
| Paraprofessionals | 76 | 60 | 27 | 15 | 50 |
| Volunteers | 55 | 50 | 8 | 0 | 17 |
| Graduate Interns | 55 | 50 | 15 | 8 | 17 |

8

Notes

Notes

ACCESS TO CLIENT RECORDS - COMPARISON OF SURVEY/INTERVIEWS

| Type of Staff | Public Child Welfare - Mail Survey | Public Child Welfare - Interviews |
|------------------|---------------------------------------|--------------------------------------|
| Professional | 93 | 82 |
| Paraprofessional | 76 | 59 |
| Volunteer | 55 | 35 |
| Graduate Intern | 55 | 71 |

Interviews are based on small numbers and are not representative

9

ACCESS TO CLIENT RECORDS - COMPARISON OF SURVEY/INTERVIEWS (CONT)

| Type of Staff | Domestic Violence - Mail Survey | Domestic Violence - Shelter Interviews | Domestic Violence - Batterer's Program Interviews |
|------------------|---------------------------------------|---|---|
| Professional | 60 | 100 | 100 |
| Paraprofessional | 60 | 67 | 75 |
| Volunteer | 50 | 0 | 50 |
| Graduate Intern | 50 | 100 | 50 |

Interviews are based on small numbers and are not representative

10

**ACCESS TO CLIENT RECORDS - COMPARISON OF
SURVEY/INTERVIEWS (CONT)**

| Type of Staff | Education - Mail Survey | Education - Interviews |
|------------------|----------------------------|---------------------------|
| Professional | 81 | 75 |
| Paraprofessional | 27 | 0 |
| Volunteer | 8 | 0 |
| Graduate Intern | 15 | 50 |

Interviews are based on small numbers and are not representative 11

**ACCESS TO CLIENT RECORDS - COMPARISON OF
SURVEY/INTERVIEWS (CONT)**

| Type of Staff | Hospital - Mail | Doctor Interviews | Dentist Interviews |
|------------------|-----------------|----------------------|-----------------------|
| Professional | 69 | 75 | 100 |
| Paraprofessional | 15 | 25 | 100 |
| Volunteer | 0 | 25 | 0 |
| Graduate Intern | 8 | 25 | 0 |

Interviews are based on small numbers and are not representative 12

Notes

Notes

ACCESS TO CLIENT RECORDS - COMPARISON OF SURVEY/INTERVIEWS

| Type of Staff | Runaway - Mail | Runaway - Interviews |
|------------------|----------------|----------------------|
| Professional | 67 | 89 |
| Paraprofessional | 67 | 67 |
| Volunteer | 50 | 22 |
| Graduate Intern | 33 | 45 |

Interviews are based on small numbers and are not representative

13

PERCENTAGE OF PROGRAMS OFFERING TRAINING

Training on Confidentiality

| | Public Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|-----|----------------------|-------------------|-----------|----------|---------|
| Yes | 100 | 85 | 73 | 92 | 100 |
| No | 0 | 10 | 12 | 8 | 0 |

14

**PERCENT PROGRAMS REPORTING TRAINING
RECEIVED BY STAFF**

| Type of Staff | Public Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|-------------------|----------------------|-------------------|-----------|----------|---------|
| Professionals | 93 | 53 | 90 | 82 | 67 |
| Paraprofessionals | 83 | 53 | 43 | 55 | 67 |
| Volunteers | 59 | 65 | 0 | 27 | 50 |
| Graduate Interns | 59 | 41 | 19 | 9 | 33 |

15

**PERCENT OF PROGRAMS REPORTING STAFF
TRAINING - COMPARISON OF
SURVEY/INTERVIEWS**

| Type of Staff | Public Child Welfare - Mail | Public Child Welfare - Interviews |
|-------------------|-----------------------------|-----------------------------------|
| Professionals | 93 | 88 |
| Paraprofessionals | 83 | 59 |
| Volunteers | 59 | 59 |
| Graduate Interns | 17 | 71 |

interviews are based on small numbers and are not representative

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Notes

Notes

PERCENT OF PROGRAMS REPORTING STAFF TRAINING - COMPARISON OF SURVEY/INTERVIEWS (CONT)

| Type of Staff | Domestic Violence - Mail | Domestic Violence - Shelter Interviews | Domestic Violence - Batterer's Prog Interviews |
|------------------|--------------------------|--|--|
| Professional | 53 | 100 | 100 |
| Paraprofessional | 53 | 67 | 67 |
| Volunteer | 65 | 100 | 100 |
| Graduate Intern | 41 | 67 | 67 |

Interviews are based on small numbers and are not representative 17

PERCENT OF PROGRAMS REPORTING STAFF TRAINING - COMPARISON SURVEY/INTERVIEW (CONT)

| Type of Staff | Education - Mail | Education - Interviews |
|------------------|------------------|------------------------|
| Professional | 90 | 75 |
| Paraprofessional | 43 | 50 |
| Volunteer | 0 | 50 |
| Graduate Intern | 19 | 25 |

Interviews are based on small numbers and are not representative 18

Notes

Notes

PERCENT OF PROGRAMS REPORTING STAFF
TRAINING - COMPARISON SURVEY/INTERVIEWS
(CONT)

| Type of Staff | Hospital - Mail | Doctor Interviews | Dentist Interviews |
|-----------------------|-----------------|----------------------|-----------------------|
| Professional | 82 | 0 | 100 |
| Paraprofes- sional | 55 | 0 | 100 |
| Volunteer | 27 | 0 | 0 |
| Graduate Intern | 9 | 0 | 0 |

Interviews are based on small numbers and are not representative

19

PERCENT OF PROGRAMS REPORTING STAFF
TRAINING - COMPARISON SURVEY/INTERVIEWS
(CONT)

| Type of Staff | Runaway - Mail | Runaway - Interviews |
|------------------|----------------|-------------------------|
| Professional | 67 | 89 |
| Paraprofessional | 67 | 89 |
| Volunteer | 50 | 45 |
| Graduate Intern | 33 | 89 |

Interviews are based on small numbers and are not representative

20

Notes

Notes

PERCENT OF AGENCIES WITH WRITTEN PROCEDURES ON RELEASE OF INFORMATION

| Type of Record | Pub Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|----------------|-------------------|-------------------|-----------|----------|---------|
| Prot Svcs | 90 | 6 | 0 | 18 | 0 |
| Medical | 48 | 11 | 19 | 64 | 17 |
| Hospital | 31 | 6 | 0 | 55 | 0 |
| Ment H | 31 | 17 | 0 | 45 | 33 |
| Sub Ab | 28 | 11 | 10 | 36 | 33 |
| Student | 24 | 17 | 71 | 18 | 17 |
| Priv Svc | 21 | 17 | 0 | 9 | 33 |
| Police | 21 | 11 | 0 | 9 | 17 |
| Child Supt | 21 | 6 | 0 | 0 | 0 |
| Shelter | 17 | 58 | 0 | 9 | 33 |

21

PERCENT REPORTING CODES OF ETHICS AFFECT RELEASE OF INFORMATION

| | Public Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|-----|----------------------|-------------------|-----------|----------|---------|
| Yes | 18 | 56 | 28 | 42 | 83 |
| No | 46 | 11 | 44 | 17 | 17 |

22

Notes

Notes

**PERCENT REPORTING CODES OF ETHICS
AFFECT RELEASE OF INFO (INTERVIEWS)**

| | Pub Child Wel | DV - Shelter | DV - Batterer Prog | Educa- tion | Doctor | Dentist | Run- away |
|-----|------------------|-----------------|--------------------------|----------------|--------|---------|--------------|
| Yes | 12 | 100 | 25 | 25 | 0 | 50 | 89 |
| No | 78 | 0 | 75 | 75 | 100 | 50 | 11 |

Interviews are based on small numbers and are not representative

23

**PERCENT PROVIDING INFORMATION TO LAW
ENFORCEMENT NOT PROVIDED TO OTHERS**

| | Pub Child Welfare | Domestic Violence | Educa- tion | Hospital | Runaway |
|-----|----------------------|----------------------|----------------|----------|---------|
| Yes | 66 | 21 | 16 | 8 | 0 |
| No | 21 | 68 | 64 | 67 | 80 |

24

Notes

Notes

**Percent Providing Information to Law Enforcement
Not Provided to Others (Interviews)**

| | Pub Child Wel | DV - Shelter | DV - Batterer Prog | Educa- tion | Doctors | Dentists | Run- away |
|-----|---------------------|-----------------|--------------------------|----------------|---------|----------|--------------|
| Yes | 71 | 33 | 0 | 100 | 25 | 50 | 33 |
| No | 29 | 67 | 100 | 0 | 75 | 50 | 67 |

Interviews are based on small numbers and are not representative

25

**PERCENT REPORTING THEY WITHHOLD
INFORMATION FROM LAW ENFORCEMENT
PROVIDED TO OTHERS**

| | Pub Child Welfare | Domestic Violence | Educa- tion | Hospital | Runaway |
|-----|----------------------|----------------------|----------------|----------|---------|
| Yes | 7 | 5 | 0 | 0 | 0 |
| No | 76 | 84 | 77 | 77 | 83 |

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Notes

Notes

PERCENT REPORTING THEY WITHHOLD
INFORMATION FROM LAW ENFORCEMENT
PROVIDED TO OTHERS (INTERVIEWS)

| | Pub Child Wel | DV - Shelters | DV - Batterer Prog | Educa- tion | Doctors | Dentists | Run- away |
|-----|---------------------|------------------|--------------------------|----------------|---------|----------|--------------|
| Yes | 6 | 0 | 0 | 25 | 0 | 0 | 44 |
| No | 94 | 100 | 100 | 75 | 100 | 100 | 44 |

Interviews are based on small numbers and are not representative

27

PERCENT REPORTING TYPES OF INFORMATION
PROVIDED TO LAW ENFORCEMENT

| Type of Information | Public Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|---------------------------------|-------------------------|----------------------|-----------|----------|---------|
| Locate Child | 59 | 11 | 25 | 18 | 0 |
| Ident Missing Child | 44 | 11 | 21 | 18 | 20 |
| Ident Client Harboring | 41 | 11 | 17 | 9 | 0 |
| Assess Danger to Officers | 33 | 11 | 4 | 9 | 0 |
| Family History | 30 | 6 | 4 | 9 | 0 |

28

Notes

Notes

**PERCENT REPORTING TYPE OF INFO PROVIDED
TO LAW ENFORCEMENT - COMPARISON
SURVEY/INTERVIEWS**

| Type of Info | Public Child Welfare - Mail Survey | Public Child Welfare - Interviews |
|---------------------------|---------------------------------------|--------------------------------------|
| Locate Child or Abductor | 59 | 88 |
| Identify Missing Child | 44 | 82 |
| Identify Client Harboring | 41 | 88 |
| Assess Danger | 33 | 78 |
| Family History | 30 | 76 |

Interviews are based on small numbers and are not representative 29

**PERCENT REPORTING TYPE OF INFO PROVIDED TO
LAW ENFORCEMENT - COMPARISON
SURVEY/INTERVIEWS (CONT)**

| Type of Info | Domestic Violence - Mail Survey | Domestic Violence - Shelters | Domestic Violence - Batterer's Programs |
|---------------------------|---------------------------------------|------------------------------------|--|
| Locate Child or Abductor | 11 | 33 | 25 |
| Identify Missing Child | 11 | 0 | 0 |
| Identify Client Harboring | 11 | 0 | 25 |
| Assess Danger | 11 | 67 | 75 |
| Family History | 6 | 33 | 75 |

Interviews are based on small numbers and are not representative 30

Notes

Notes

**PERCENT REPORTING TYPE OF INFO PROVIDED TO
LAW ENFORCEMENT - COMPARISON
SURVEY/INTERVIEWS (CONT)**

| Type of Info | Education - Mail Survey | Education - Interviews |
|------------------------------|----------------------------|---------------------------|
| Locate Child or Abductor | 25 | 100 |
| Identify Missing Child | 21 | 60 |
| Identify Client Harboring | 17 | 75 |
| Assess Danger | 4 | 60 |
| Family History | 4 | 75 |

Interviews are based on small numbers and are not representative 31

**PERCENT REPORTING TYPES OF INFO PROVIDED
TO LAW ENFORCEMENT - COMPARISON
SURVEY/INTERVIEWS (CONT)**

| Type of Info | Hospital - Mail Survey | Doctors | Dentists |
|------------------------------|---------------------------|---------|----------|
| Locate Child or Abductor | 18 | 25 | 100 |
| Identify Missing Child | 18 | 25 | 100 |
| Identify Client Harboring | 9 | 0 | 50 |
| Assess Danger | 9 | 25 | 50 |
| Family History | 9 | 25 | 0 |

Interviews are based on small numbers and are not representative 32

Notes

Notes

**PERCENT REPORTING TYPES OF INFO PROVIDED
TO LAW ENFORCEMENT - COMPARISON
SURVEY/INTERVIEWS (CONT)**

| Type of Info | Runaway - Mail | Runaway - Interviews |
|---------------------------|----------------|----------------------|
| Locate Child or Abductor | 0 | 67 |
| Identify Missing Child | 20 | 56 |
| Identify Client Harboring | 0 | 78 |
| Assess Danger | 0 | 67 |
| Family History | 0 | 44 |

Interviews are based on small numbers and are not representative 33

PERCENT REPORTING PROBLEMS WITH OFFICERS

| Type of Problem | Pub Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|--------------------------|-------------------|-------------------|-----------|----------|---------|
| Can't Share Info | 25 | 63 | 16 | 9 | 67 |
| Insensitive-Operations | 17 | 42 | 8 | 9 | 50 |
| Reunif Endangers | 21 | 37 | 16 | 0 | 50 |
| Request Info After Hours | 0 | 31 | 4 | 9 | 0 |
| Slow Resp (Runaways) | 21 | 5 | 8 | 0 | 33 |
| No Problems | 21 | 21 | 28 | 9 | 0 |

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Notes

Notes

PERCENT REPORTING PROBLEMS WITH LAW ENFORCEMENT - COMPARISON SURVEY/INTERVIEWS

| Type of Problem | Public Child Welfare - Mail | Public Child Welfare - Interviews |
|--|-----------------------------|-----------------------------------|
| Agency Can't Share Info | 25 | 24 |
| Insensitive to Operations | 17 | 18 |
| Reunification Endangers | 21 | 35 |
| Request Info After Hours | 0 | 12 |
| Slow Response (Runaways) | 21 | 29 |
| Interviews are based on small numbers and are not representative | | 35 |

PERCENT REPORTING PROBLEMS WITH LAW ENFORCEMENT - COMPARISON SURVEY/INTERVIEWS (CONT)

| Type of Problem | Domestic Violence - Mail Survey | Domestic Violence - Shelter Interviews | Domestic Violence Batter Prog Interviews |
|--|---------------------------------|--|--|
| Agency Can't Share Info | 63 | 100 | 25 |
| Insensitive to Operations | 42 | 100 | 25 |
| Reunification Endangers | 37 | 100 | 75 |
| Request Info After Hours | 31 | 67 | 25 |
| Slow Response (Runaways) | 5 | 67 | 25 |
| Interviews are based on small numbers and are not representative | | | 36 |

Notes

Notes

**PERCENT REPORTING PROBLEMS WITH LAW
ENFORCEMENT - COMPARISON
SURVEY/INTERVIEWS (CONT)**

| Type of Problem | Education - Mail Survey | Education - Interviews |
|------------------------------|----------------------------|---------------------------|
| Agency Can't Share Info | 16 | 50 |
| Insensitive to Operations | 8 | 0 |
| Reunification Endangers | 16 | 75 |
| Request Info After Hours | 4 | 25 |
| Slow Response (Runaways) | 8 | 25 |

Interviews are based on small numbers and are not representative

37

**PERCENT REPORTING PROBLEMS WITH LAW
ENFORCEMENT - COMPARISON
SURVEY/INTERVIEWS (CONT)**

| Type of Problem | Hospital - Mail Survey | Doctors | Dentists |
|------------------------------|---------------------------|---------|----------|
| Agency Can't Share Info | 9 | 25 | 50 |
| Insensitive to Operations | 9 | 0 | 0 |
| Reunification Endangers | 0 | 50 | 0 |
| Request Info After Hours | 9 | 25 | 0 |
| Slow Response (Runaways) | 0 | 0 | 0 |

Interviews are based on small numbers and are not representative

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Notes

Notes

PERCENT REPORTING PROBLEMS WITH LAW ENFORCEMENT - COMPARISON SURVEY/INTERVIEWS (CONT)

| Type of Problem | Runaway - Mail Survey | Runaway - Interviews |
|---------------------------|-----------------------|----------------------|
| Agency Can't Share Info | 67 | 78 |
| Insensitive to Operations | 50 | 66 |
| Reunification Endangers | 50 | 100 |
| Request Info After Hours | 0 | 33 |
| Slow Response (Runaways) | 33 | 44 |

Interviews are based on small numbers and are not representative 39

PERCENT REPORTING HOW THEY PROVIDE INFO

| Ways of Providing Information | Public Child Welfare | Domestic Violence | Education | Hospital | Runaway |
|--------------------------------|----------------------|-------------------|-----------|----------|---------|
| Specific Info | 63 | 47 | 13 | 25 | 20 |
| Client May Share | 7 | 53 | 9 | 6 | 0 |
| Full Info, Specific Clients | 19 | 5 | 13 | 8 | 0 |
| Routinely Provide Limited Info | 4 | 5 | 22 | 6 | 0 |
| No Info Provided | 0 | 5 | 13 | 17 | 0 |

40

Notes

PERCENT REPORTING ACTIONS IF RELEASE OF INFORMATION COULD ENDANGER CHILD

| Action | Public Child Welfare | Domestic Violence | Education | Hospital | Runaway | |
|---------------------------|----------------------|-------------------|-----------|----------|---------|----|
| Discuss with Law Enforce | 69 | 31 | 45 | 18 | 0 | |
| Move to Quash Court Order | 27 | 63 | 9 | 0 | 0 | |
| Appeal Court Order | 27 | 31 | 17 | 18 | 17 | |
| Refuse to Release Info | 19 | 37 | 27 | 18 | 33 | 41 |

Notes

PERCENT REPORTING ACTIONS IF RELEASE OF INFO WOULD ENDANGER CHILD - COMPARISON SURVEY/INTERVIEWS

| Action | Public Child Welfare - Mail | Public Child Welfare - Interviews | |
|--|-----------------------------|-----------------------------------|----|
| Discuss With Law Enforcement | 69 | 88 | |
| Move to Quash Court Order | 27 | 35 | |
| Appeal Court Order | 27 | 41 | |
| Refuse to Release Info | 19 | 24 | |
| Interviews are based on small numbers and are not representative | | | 42 |

PERCENT REPORTING ACTIONS IF RELEASE OF
INFO WOULD ENDANGER CHILD - COMPARISON
SURVEY/INTERVIEWS (CONT)

| Action | Domestic Viol - Mail Survey | DV - Shelter Interviews | DV - Batterer Prog Interviews |
|------------------------------------|--------------------------------|----------------------------|-------------------------------------|
| Discuss With Law Enforcement | 31 | 33 | 75 |
| Move to Quash Court Order | 63 | 100 | 50 |
| Appeal Court Order | 31 | 67 | 75 |
| Refuse to Release Info | 37 | 100 | 25 |

Interviews are based on small numbers and are not representative

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PERCENT REPORTING ACTIONS IF RELEASE OF
INFO WOULD ENDANGER CHILD - COMPARISON
SURVEY/INTERVIEWS (CONT)

| Action | Education - Mail Survey | Education - Interviews |
|---------------------------------|----------------------------|---------------------------|
| Discuss With Law Enforcement | 45 | 100 |
| Move to Quash Court Order | 9 | 50 |
| Appeal Court Order | 17 | 25 |
| Refuse to Release Info | 27 | 50 |

Interviews are based on small numbers and are not representative

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APPENDIX D

**Listing of Survey Responses and
Description of Special Materials Submitted**

ALASKA

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|-----------|---|---|
| Child Welfare | | No response to survey. | |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | Respondent submitted letter expressing concerns rather than completing survey. In Alaska, because the location of shelters cannot be hidden, shelters face bomb threats, property damage, death threats, and bullets through windows. In these circumstances, children who are "missing" are often safer than children who are "found". Custody and visitation are often used as tools by abusers to enable the continuing abuse of the child and/or its mother. An increasing response to battered women who do <u>not</u> hide from their abusers is for child protection workers to take their children based on failure to protect. | |

| ARIZONA | | | |
|---------------------------|--------------------------------------|---|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | citation unclear (8.546.07; 41-1959) | All initial reports and records concerning initial reports of dependent, abused, neglected, or abandoned children received by child protective services are confidential. | Information may be released only to the following: employees of the dept of economic security, dept of law, law enforcement agency, court; agency legally mandated by federal or state law to receive & investigate reports; physician or multi-disciplinary consultation team; person, agency, or organization under contract to diagnose, care for, treat, or supervise a case; grand jury; person about whom a report has been made. |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No additional information submitted beyond survey. | |

| ARKANSAS | | | |
|---------------------------|-----------|---|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No response to survey. | |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | Respondent submitted letter expressing concerns rather than completing survey. In Arkansas, the law "Permitting Child Abuse" includes higher sentencing requirements than do laws governing sentencing actual perpetrations of sexual abuse and carnal abuse. Mothers are charged with failing to protect their children if they stay with abusive partners and are prosecuted and punished as abductors if they leave or refuse to allow visitation which they know will put their children in danger. | |

CALIFORNIA

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|---|--|---|
| Child Welfare | All County Information Notice No. 1-32-89 | Only recipients may inspect and copy their medical and psychotherapist evaluations and reports, but may not inspect or copy the records of others, including the other parent or guardian. When investigating abuse/neglect, information may be disclosed to child protective agencies (CPAs), attorneys for CPAs, the D.A. in criminal prosecution, multidisciplinary personnel teams, SDSS and hospital scan teams. Violation of confidentiality is punishable by up to 6 months in jail and/or a fine of \$500. | Primarily staff. Recipients use information for hearings. |
| Education | Pupil Records Act, CA Ed Code, sects 49073-49079 & 67100-67147.5; Inspection of Public Records Act, CA Code, sects 6250-6268; Information Practices Act, CA Code, sects 1798-1798.78; FERPA | No additional information submitted beyond survey. However survey did note that parents who call for assistance in locating their children (usually in connection with custody disputes) are referred to the California Parent Locator Service maintained by the California Department of Justice, Bureau of Criminal Information and Analysis. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | no citation | California law requires that battered women register with the D.A.'s Office if she is taking her children to a shelter for battered women. In some counties the child abduction unit is helpful. In other counties, women who comply with the requirement find that the batterer has filed child concealment charges and the D.A. issues a warrant and takes the children. | |

COLORADO

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|----------------------------------|------------------|--|---|
| Child Welfare | | No additional information submitted beyond survey. | |
| Education | | Clients do not normally have access to records, but information from a record may be made available to the client at the discretion of a professional staff member when it is directly connected with the provision of services. | No one is allowed access without written permission of the client and then information may only be released to professional persons or agencies providing services to the client. |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No additional information submitted beyond survey. | |

| CONNECTICUT | | | |
|---------------------------|--|--|--|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | Personnel Policies and Procedures, Statement on Client Rights to Confidentiality | Information about the record may be made available to the client at the discretion of a professional staff members when connected with the provision of service. Information about the client may not be revealed to people outside of the agency without the written permission of the client, except when a legal subpoena requires court attendance and court orders disclosure of information. | Agency employees are the primary users of information. |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | 1983, P.A. 83-429; 1985 P.A. 85-112. Privileged communications between battered women's or sexual assault counselor and victim | Privileged communications applies to any person engaged in a battered women's center who has undergone a minimum of 20 hours of training, who is certified as a counselor by the center that provided the training, who is under the supervision of a direct service supervisor of a battered women's center, and whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, battered women. The privilege does not apply, however, in matters concerning chain of custody of evidence, proof concerning physical appearance of the victim at the time of the injury, or where the counselor or sexual assault counselor has knowledge that the victim has given perjured testimony. | Shelters do not release information. |

GEORGIA

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|----------------------------------|------------------|--|--|
| Child Welfare | | Private child welfare response only. No additional information submitted beyond survey. | |
| Education | | State laws deal only with mandatory reporting, for example in cases of child abuse. Materials submitted, other than those describing requirements when child abuse is suspected, deal only with the transfer of records to other public schools. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No additional information submitted beyond survey. | |

| HAWAII | | | |
|---------------------------|---|---|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Weifare | Chapter 350 Child Abuse | No response to survey. Domestic Violence organization supplied information. All records are confidential. Penalties described are for failure to report child abuse rather than abuse of confidentiality. | |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | Rule 504.1 Psychologist-client privilege. | The victim, victim's guardian or conservator, or the personal representative of a deceased may claim victim-counselor privilege. Exceptions include perjured testimony by the victim; information on the physical appearance and condition of the victim at the time of the alleged crime; breach of duty by victim counselor or counseling program; mandatory reporting (child abuse); proceedings for hospitalization; examination by order of the court; the use of the victim's condition in proceedings as an element of claim or defense; and proceedings against the victim counselor. | |

DELAWARE

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|--|---|---|
| Child Welfare | 16 DE Code SS 908; Department Policy # 205 Confidentiality | <p>Physician-patient privilege, husband-wife privilege, or any privilege except the attorney-client (including social work or nursing), do not apply in civil or criminal litigation when a person's neglect, abuse, dependency, exploitation, or abandonment is an issue. However no licensed clinical social worker may disclose information without: written consent; indication that the client may commit a violent crime or that minor client was a victim/subject of a crime; the social worker testifies in a proceeding which is about the commission of such a crime; person waives privilege by bringing charges against the social worker.</p> <p>Other than above, the Department must have written informed consent from the minor's parent/guardian or the individual adult. However the signed consent does not require the Department to release information. For involuntary release of information, the Department must consult the Deputy Attorney General. All Department employees, students, volunteers, contractors, foster parents, researchers, auditors, or others with direct access to confidential client information must sign a confidentiality pledge. Failure to comply may result in civil, criminal, and/or Departmental penalties.</p> | Primarily departmental staff. |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No additional information submitted beyond survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| FLORIDA | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No response to survey. | |
| Education | | Unable to respond due to local diversity. | |
| Hospital | | No additional information submitted beyond survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| IDAHO | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No additional information submitted beyond survey. | |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No additional information submitted beyond survey. | |
| Domestic Violence Shelter | | No response to survey. | |

ILLINOIS

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|----------------------------------|--|--|---|
| Child Welfare | <p>Abused and Neglected Child Reporting Act</p> <p>IL Dept of Children & Family Services Text of Adopted Rules, Subchapter f: General Administration</p> | <p>A person has access to records only to further the purposes of this Act or the Intergovernmental Missing Child Recovery Act of 1984. Access includes law enforcement investigating known or suspected child abuse or neglect, involvement with child pornography, criminal sexual assault, criminal sexual abuse or any other sexual offense when a child is alleged to be involved. Access also includes the Department of State Police when administering the provisions of the Intergovernmental Missing Child Recovery Act.</p> | <p>A client who has reached 12 years of age, parent whose parental rights have not been terminated, guardian, employees, law enforcement, members of multi-disciplinary teams, and other State agencies have access to information.</p> |
| Education | <p>IL School Student Records Act</p> | <p>No school student records may be released, transferred, disclosed, or other wise disseminated except under specified conditions, including to a parent, student, or person designated as a representative by a parent, to an employee or official with demonstrable educational or administrative interest, to official records custodial of another school, pursuant to court order. A record of the release must be maintained.</p> | <p>Parents, students, school employees and officials have access to information.</p> |
| Hospital | | <p>No response to survey.</p> | |
| Domestic Violence Shelter | | <p>No additional information submitted beyond survey.</p> | |
| Private Professionals | <p>Clinical Social Work and Social Work Practice Act</p> | <p>No licensed clinical social worker or licensed social worker may disclose information acquired from clients in a professional capacity except in certain circumstances, including with written consent, in consulting with other colleagues who share professional responsibility, and when the person is a minor and information indicates that the minor was the victim or subject of a crime.</p> | |

INDIANA

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|--|--|--|
| Child Welfare | Child Welfare Manual, Sect 2, Child Protection Service | In cases of suspected abuse or neglect, written reports may be made available upon request or as needed to law enforcement agencies; information shall be available to all other CPS units, including out-of-state agencies. For other release of information and in other types of cases, client must sign release form. Administrative reviewers must sign a statement of confidentiality. For other child welfare case records, written consent is required or the following procedures are required prior to release of information include: 1) determine identity of requesting person and relationship to child; 2) determine type of record requested; 3) review statute and manual to determine if information may be released; 4) confer with supervisor and CDPW attorney prior to any release; and 5) document in file what records were released, to whom, and date that request was approved. | Employees of Indiana Dept of Public Welfare; employees of county welfare depts; employees of agencies in other states that are responsible for administering a child welfare plan approved by HHS; judges and court officials; county clerks; all officials and their staff who are charged by law with responsibility for investigating and pursuing criminal and/or civil prosecution; includes parent, guardian, custodian, other person responsible for the welfare of a child named in a report |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No additional information submitted beyond survey. | |

| IOWA | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No additional information submitted beyond survey. | |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | Respondent submitted letter expressing concerns rather than completing survey. Respondent felt that survey did not differentiate between parents who abduct children as part of a pattern of domination and battering and those who "abduct" children in order to protect them from violence or growing up in a violent household. In Iowa, women have received lengthy jail sentences for abuse that occurred when they were not even in their homes. When they have taken their children with them when they flee, women in Iowa have been hunted down by the abusive husband, law enforcement, or the FBI, and had their children returned to abusive men. On the other hand, when abusive men flee with their children, women are often told that "it's merely a civil matter, you'll have to go back to court." | |

| KANSAS | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No response to survey. | |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No additional information submitted beyond survey. | |
| Domestic Violence Shelter | | No additional information submitted beyond survey. | |

KENTUCKY

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|------------------|--|--|
| Child Welfare | Open Records Act | The Department may share pertinent information about individual clients with public agencies and licensed private or quasi-private agencies if they have a direct and legitimate interest in the individual or his/her immediate family. These agencies must sign an agreement assuring confidentiality. Anyone acting in good faith in making a report or providing information in judicial proceedings is immune from criminal or civil liability. | See summary. |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | Unable to complete survey | |

LOUISIANA

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|---|---|---|
| Child Welfare | Program Policy Manual, Part V - Confidentiality | Maintaining the confidentiality of information gained from or about a client and his family is ethically and legally binding on all employees of the Division of Children, Youth, and Family services. The penalty for violating confidentiality is a maximum penalty of 2 years in jail and/or a \$2,500 fine. If a subpoena is issued for information that should remain confidential, the local office must inform the court of the legal requirements. If it is not withdrawn, the local office must contact the Office of General Counsel to move to quash the subpoena. If the court refuses to quash the subpoena, the Agency must comply with the direction of the court. To secure child support, the most recent address and place of employment of a parent shall be provided. | Employees. In child protection cases, the D.A. and local and State law enforcement involved in the criminal investigation have full access. Information may be furnished to law enforcement agencies or courts to aid in prosecution of criminal cases related to any program of DHHR (e.g., Food Stamps or Medicaid fraud). Other requests from law enforcement and courts are referred to state office for consultation with the Office of General Counsel on a case by case basis. |
| Education | | No response to survey. | |
| Hospital | | No additional information submitted beyond survey. | |
| Domestic Violence Shelter | | No response to survey. | |

MARYLAND

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|---|---|--|
| Child Welfare | 1990 Cumulative Supplement | It is unlawful to divulge information about applicants/recipients of social services, child welfare services, cash assistance, food stamps, or medical assistance from records, files, investigations, or communications of the State, county, or city, or subdivisions or their agencies except to respond to court order or to an authorized officer/employee of the State, the U. S., or a fiduciary institution having an official right, and to meet responsibilities. Violation is a misdemeanor punishable by a fine up to \$500 and/or imprisonment up to 90 days. 1993 legislation requires that the Subcabinet for Children, Youth, and Families develop a plan for a system of sharing client information among agencies as necessary. | Authorized officials and employees only without a court order. |
| Education | FERPA; COMAR 13A.08.02; 34 C.F.R., Sect 99-1 <i>et. seq.</i> ; MD Family Law Code, Sect 5-711-712; MD State Govt Code, Sec 10-611 <i>et. seq.</i> | Custodial and noncustodial parents and eligible students have access to education records unless a court order or other legally binding instrument provides otherwise. A record must be kept of all instances in which access was granted to the records. Information without consent may be released in an emergency or if there is a threat to health or safety. | School staff within the agency or institution who have "legitimate educational interests." |
| Hospital | 4-301, subtitle 3, Confidentiality of Medical Records | Health care providers must keep medical records of patients/recipients confidential unless person consents in writing, except for directory information. Confidentiality requirements do not apply to information not kept in the medical record. Providers are not liable for good faith disclosures or refusal to disclose information (1990, ch 480, 2). (Additional materials beyond survey submitted by child welfare organization). | Disclosures without consent only for claims, reviews, audits, education, research, accreditation and investigations of CA/N. |
| Domestic Violence Shelter | | No additional information submitted beyond survey. | |

MASSACHUSETTS

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------------|---|---|--|
| Child Welfare | Chapter 112 Registration of Certain Professions and Occupations | <p>No licensed social worker in private practice or employed by the state, county, or municipal governmental agency may disclose confidential information without written consent unless the client contemplates commission of a crime or harmful act, the client waives the privilege by bringing charges against the licensed social worker, when required by the court, or in a CA/N case. While a central registry of CA/N cases is kept, any person employed in the registry who releases confidential information contrary to rules may be punished by a fine of up to \$1,000 and/or 2 1/2 years in jail.</p> <p>When records are required by the court for civil proceedings but the Department believes that information should not be released, the Department will first make reasonable efforts to notify each data subject and make an effort to have the process quashed.</p> | The Department may release to any Department provider or other individual or entity acting at the Department's request, any records necessary for service delivery. Parents may have access until the child is 18. |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| MICHIGAN | | | |
|----------------------------------|--|--|--|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | Manual; Social Welfare Act; Child Protection Law | Department may consult with other agencies and/or other professionals in fulfilling responsibilities. Private agencies and other professionals are justified in sharing information: 1) as reporters of suspected child abuse and neglect; 2) in consultation for the benefit of a client; 3) if the contract with the client does not include an expectation of privacy and the client was so notified; 4) where duty of confidence is abolished by other rule of law; or 5) with a valid release of information. | |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No additional information submitted beyond survey. | |
| Domestic Violence Shelter | | No response to survey. | |

MINNESOTA

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|------------------|---|--|
| Child Welfare | | No response to survey. | |
| Education | | Did not believe that the survey was applicable. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

MISSISSIPPI

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|---|--|--|
| Child Welfare | 43-21-259; Administration, Mississippi, Volume IV | Records involving children may not be disclosed other than to necessary staff of the youth court, except if there is a court order. Violation is a misdemeanor punishable by a fine of up to \$1,000 and/or by imprisonment of up to 1 year. Custodial or non-custodial parents or legal guardians are advised to contact their attorney to obtain information, unless it is in regard to an upcoming Youth Court hearing. Law enforcement officials may request information when they suspect fraudulent receipt of social services or in child support or paternity actions. | Judge of another youth court or staff of another court; representatives of public or private agency providing supervision or having custody of child; parent, guardian, or custodian of child. |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| MISSOURI | | | |
|---------------------------|---|--|--|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | Child Abuse Law Section 210.150; confidentiality policy | Violation of confidentiality is a class A misdemeanor. Court records are open to inspection by the child, parent, guardian, surrogate, and their attorneys. Except for specified records (adoption, CA/N), staff who are responsible for providing and administering client services shall use their discretion about releasing information from client records. | Information may be shared with juvenile courts and juvenile officers without a subpoena; volunteer advocates designated by the court; probation and parole/ presentence investigator; law enforcement if necessary to conduct investigation; share with members of investigative teams, treatment teams, and evaluation teams; out-of-state protective service agencies investigating CA/N report. |
| Education | | No response to survey. | |
| Hospital | | No additional information submitted beyond survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| MONTANA | | | |
|----------------------------------|---|---|--|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | Montana Constitution, Art II, Sects 9 & 10; DFS Administrative Manual | <p>Violation of confidentiality laws and rules by staff and contractors with access to records may result in : 1) suspension or discharge of employee in addition to any criminal penalties imposed by statute; 2) cancellation of a contract if violated by a contractor; 3) suspension or revocation of license or registration certificate issued by the Department.</p> <p>Information regarding the disclosure of information must be put in writing and filed in the client record.</p> | <p>SRS staff and its legal representatives</p> <p>Information that may be released varies by the type of case.</p> |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| NEBRASKA | | | |
|---------------------------|-----------------------|---|--|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | LB 1184 Sec. 10 | The Department shall make available, upon request, all reports appropriate to an investigation of abuse/neglect. All child abuse/neglect records are confidential. Unauthorized release of any information in such reports or records is a Class V misdemeanor. | Law enforcement officers and others such as the county attorney and physicians have access to records in cases of child abuse/neglect. |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | Laws 1978, LB 623, 18 | Strict confidentiality is required in all contact with victims of spouse abuse and their families. Violation is a Class V misdemeanor. | |

| NEW HAMPSHIRE | | | |
|---------------------------|-----------|---|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | <p>Anyone reporting suspected child abuse in good faith and/or participating in the investigation is immune from civil or criminal liability that might otherwise be imposed. (Violation of juvenile records is a misdemeanor).</p> <p>Other than those identified in next column, access is by court order or upon written consent of the minor.</p> | <p>All Division for Children and Youth case records are open to inspection by officers of an institution where the minor is committed, juvenile services officers, a parent, guardian, custodian, the minor's attorney, the relevant county staff and others entrusted with the corrective treatment of the minor. Law enforcement officials participating with the division in investigating possible abuse/neglect have access.</p> |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| NEW JERSEY | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No response to survey. | |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No additional information submitted beyond survey. | |

| NEW YORK | | | |
|---------------------------|----------------------|------------------------|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No response to survey. | |
| Education | Education Law 3020-a | | Parents may inspect records of children, including medical, psychological, and psychiatric reports. |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| NORTH CAROLINA | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No additional information submitted beyond survey. | |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No additional information submitted beyond survey. | |

| NORTH DAKOTA | | | |
|---------------------------|--|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No response to survey. | |
| Education | | If child's parent, guardian, or legal custodian does not present the proof of identify required within forty days of enrollment or if the school does not receive the school records of the child within sixty days of enrollment, the school, licensed day care facility, or school superintendent must notify the missing person information program and a local law enforcement authority. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | Senate Bill No. 2368 (became law 8/1/93) | All agents, employees, and volunteers participating in a domestic violence or sexual assault program must maintain confidentiality unless: client consents to release of information; agent, employee, or volunteer determines that disclosure of the information is necessary for the efficient and safe operation of the program or for the protection of the safety of an employee, agent, volunteer, or client or a third party reasonably thought to be in need o protection; child abuse and neglect is involved | |

| OHIO | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No additional information submitted beyond survey. | |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| OKLAHOMA | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No response to survey. | |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No additional information submitted beyond survey. | |

| OREGON | | | |
|---------------------------|------------------------|---|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | Client Services Manual | Communications may be held in confidence unless clients sign a release of information, communication with other parties is necessary to administer the program, workers are directed to testify in a civil or criminal court, a child presents a specific and immediate danger to another person or society | |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No additional information provided beyond survey. | |

| PENNSYLVANIA | | | |
|---------------------------|--|--|--|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | <p>Child Protective Services Law, Title 23, Pa C.S.A. Chapter 63; Child Protective Service Regs Chapter 3490; Title 55 PA Code, Public Welfare, Chapter 3130, Administrative of County Children & Youth Social Svc Progs;</p> <p>Pending House Bill No. 1001</p> | <p>Any reports or other information on alleged child abuse is confidential. A staff member of the Department or county agency who willfully violates confidentiality is subject to disciplinary action, including dismissal. They are also guilty of a misdemeanor of the third degree. Family case records are confidential and may not be disclosed except in performance of duties.</p> <p>Pending legislation would add access for law enforcement officials who are investigating a missing child report.</p> | <p>CPS officials & multidisciplinary team; physician treating child; guardian ad litem; authorized official of Dept., court; Committee of General Assembly; Attorney General; federal auditors; law enforcement officials investigating cases of homicide, sexual abuse, sexual exploitation or bodily injury, child abuse by other than family members. Information in family records will be released upon request to parents/legal guardians; children's and parents' attorneys; court/court staff; county executive officers; the child, if 14 or older.</p> |
| Education | <p>State Board of Education 22 Section 12.33 Guidelines, Pt. I</p> | <p>No information may be collected from students or released without prior informed consent of the child and parents. Consent must include the uses to which the information will be put, methods by which it will be recorded and maintained, and to which persons it will be available and under what conditions.</p> | <p>Courts in compliance with judicial order or agency in compliance of order where the agency has the power of subpoena. Local institutions are expected to protest if ordered by a governmental agency to release information and it is not considered a legitimate request</p> |
| Hospital | | <p>No additional information submitted beyond survey.</p> | |
| Domestic Violence Shelter | | <p>No additional information submitted beyond survey.</p> | |

| RHODE ISLAND | | | |
|---------------------------|---|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | General Administration & Management No. 001 | Unauthorized disclosure of confidential information may result in civil, criminal, and Departmental penalties. | Clients must sign an authorization form before information is released to anyone except in child abuse cases. |
| Education | | No response to survey. | |
| Hospital | | No additional information submitted beyond survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| SOUTH CAROLINA | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No response to survey. | |
| Education | | No response to survey. | |
| Hospital | | No additional information submitted beyond survey. | |
| Domestic Violence Shelter | | No response to survey. | |

SOUTH DAKOTA

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|--|--|--|
| Child Welfare | 1993 amendment on Protection of Children from Abuse or Neglect, 26-8A-13 Confidentiality | Any person who knowingly violates confidentiality of records and files relating to reports of CA/N is guilty of a Class 1 misdemeanor. | Information may be released to the attorney general, state's attorneys, law enforcement agencies, protective services workers, and judges of courts investigating reports, as well as others with official duties. |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

TENNESSEE

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|-----------|--|---|
| Child Welfare | | No additional information submitted beyond survey. | |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| TEXAS | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No response to survey. | |
| Education | | No response to survey. | |
| Hospital | | No additional information submitted beyond survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| UTAH | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No response to survey. | |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No additional information submitted beyond survey. | |

| VERMONT | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No response to survey. | |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

VIRGINIA

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|---|--|---|
| Child Welfare | | No response to survey. | |
| Education | VR 270-01-0014, Management of the Student's Scholastic Record | <p>The Local Educational Agency (LEA) must ensure the confidentiality of personally identifiable information of the scholastic records during collection, storage, disclosure and destruction. Directory information does include the name and address of the student.</p> <p>The LEA must maintain a record showing who requested/obtained disclosure, the agency or institution represented, the date of the disclosure, the legitimate interest of the disclosure and the purpose for which the data will be used, and the signature of the superintendent or designee.</p> | <p>Data shall be disclosed to the parent or guardian, including a non-custodial parent, unless parental rights have been terminated or a court restricted or denied such access.</p> <p>Disclosures, other than for educational purposes, require written consent of the parent or elig. student.</p> |
| Hospital | Unknown | | Hospital may release copies of the patient's medical record only with the written consent of the patient, parent, guardian, or legal representative |
| Domestic Violence Shelter | | No additional information submitted beyond survey. | |

VIRGIN ISLANDS

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|---------------------------|------------------|--|--|
| Child Welfare | 34 VIRR 1-5300 | The Department may release information to law enforcement only when it is required for public assistance purposes. | Law enforcement under certain conditions, courts. |
| Education | | No response to survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| WASHINGTON | | | |
|---------------------------|----------------------|---|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No additional information submitted beyond survey. | |
| Education | Ch. 42.17.310 RCW | <p>Personal information in files maintained for students in public schools, patients, or clients of public institutions or public health agencies, or welfare recipients are confidential unless a court finds otherwise.</p> <p>The Code of Professional Conduct for Education Practitioners in the State of Washington does not speak to confidentiality.</p> | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

WEST VIRGINIA

| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
|----------------------------------|---|--|---|
| Child Welfare | | No additional information submitted beyond survey. | |
| Education | Procedures for the Collection, Maintenance and Disclosure of Student Data | <p>The school must obtain written consent for the release of any information besides directory information. The release must include records to be disclosed, the purpose of disclosure, and the party or class of parties to whom disclosure may be made.</p> <p>Local institutions must provide annual notification to parents & students of their rights and explain when information will be disclosed and the criteria (e.g., what is considered legitimate educational interest). They must maintain records of disclosures and permit the parent or eligible student to inspect them. If annual notification has not been made, the school must make a reasonable attempt to notify the parent or eligible student.</p> | <p>The student and parents.</p> <p>Court to comply with a judicial order or subpoena.</p> |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| WISCONSIN | | | |
|---------------------------|------------------------|---|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | Children's Code 48.77 | Confidentiality of records does not apply to the confidential exchange of information between an agency and another social welfare or law enforcement agency regarding an individual in the care or legal custody of one of the agencies. (Information provided by Education respondent). | |
| Education | 1118.125 Pupil Records | All pupil records are confidential except for directory information. Information may be released with written permission of an adult pupil or the parent/guardian of a minor pupil; in response to subpoena. A parent who has been denied periods of physical placement with a child under s. 767.24(4) does not have the rights of a parent or guardian with respect to the child's records. | The following may request information: pupil or parent/guardian; judge; certified, licensed, and other school district personnel with legitimate educational interests. |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

| WYOMING | | | |
|---------------------------|-----------|--|---|
| Agency | Authority | Summary | Who Uses Information/ To Whom is it Released? |
| Child Welfare | | No response to survey. | |
| Education | | No additional information submitted beyond survey. | |
| Hospital | | No response to survey. | |
| Domestic Violence Shelter | | No response to survey. | |

APPENDIX E
SUMMARY QUESTIONNAIRE STATISTICS

SURVEY INSTRUMENT
OVERCOMING CONFIDENTIALITY BARRIERS TO FIND MISSING CHILDREN

Child Welfare Records - 29 records out of 52 (56%)

Name and Title of Person Responding:

Telephone Number:

Agency Characteristics

1. Please describe your members or local organizations under your auspices. Check all that apply. N = 29
1. (24%) 7 Private nonprofit family service agencies
 2. (3%) 1 Private nonprofit hospitals
 3. (21%) 6 Private youth services agencies
 4. (10%) 3 Private non-profit domestic violence programs
 5. (97%) 28 Public child welfare agencies
 6. (7%) 2 Public hospitals
 7. 0 Public health clinics
 8. (21%) 6 Public domestic violence programs
 9. (14%) 4 Private for-profit agencies
 10. 0 Public school systems/State Department of Education
 11. 0 Private school systems
 12. (3%) 1 Child Support agencies
 13. (38%) 11 Child care providers
 14. (38%) 11 Foster parent associations
 15. (24%) 7 Other (please specify) youth residential treatment, I & R, youth correctional institution, children's mental health, full range of svcs, residential child care, adoption, maternity for homeless, svcs for delinquents

Program Staff and Volunteers

2. Do your local organizations have staff (full-time and/or part-time) who have a professional degree (e.g. bachelors, masters, JD, PHD) in-- N= 29
1. (93%) 27 Social work
 2. (76%) 22 Psychology
 3. (24%) 7 Psychiatry
 4. (55%) 16 Family Therapy
 5. (69%) 20 Child development
 6. (41%) 12 Nursing
 7. (7%) 2 Medical Records
 8. (41%) 12 Law
 9. (3%) 1 Law enforcement
 10. (52%) 15 Criminal justice/criminology
 11. (72%) 21 Human services or human development
 12. (69%) 20 Sociology
 13. (59%) 17 Education
 14. (24%) 7 Divinity or other religious degree
 15. 0 Don't know

CW Records

16. (28%) 8 Other (Please specify) counseling, varies, most degrees listed, related fields

3. Who has access to client information in your local organizations -- N=29

1. (93%) 27 Professionals
2. (76%) 22 Paraprofessionals
3. (55%) 16 Volunteers
4. (24%) 7 College graduates with degrees in unrelated fields
5. (55%) 16 Graduate interns
6. 0 Don't know
7. (41%) 12 Other (please specify) varies widely, NA, those working directly w/children/clients, agencies involved in child abuse, defined in local policy, parents, hospital staff who need to know, law enforcement depending on type of info, legal staff, depends on responsibility

4. Does your agency or any of your local organizations offer training to educate staff about confidentiality laws, policies, and procedures? N=27

1. 27 (100%) Yes
2. _____ No (go to question 7)
3. _____ Don't know (go to question 7)

5. Which staff receives the training? N=29

1. 27 (93%) Professionals
2. 24 (83%) Paraprofessionals
3. 17 (59%) Volunteers
4. 12 (41%) College graduates with degrees in unrelated fields
5. 17 (59%) Graduate interns
6. 10 (34%) Any staff members who choose to take the training
7. 0 Don't know
8. 5 (17%) Other (please specify) all staff, clerical, direct service personnel, general public

6. What type of training do staff members receive? Check all that apply. N=29

1. 15 (52%) By agency counsel
2. 21 (72%) By administrators
3. 22 (76%) Using written training materials
4. 28 (97%) Part of orientation
5. 21 (72%) Special presentation(s)
6. 14 (48%) Annual updates on laws, regulations, and/or procedures
7. 0 Don't know
8. 1 (3%) Other (please specify) varies, defined by locals, supervisors, part of written policy, all of above, computer based, in-house and by coalition updates as needed, proqs design own, conferences

State Laws, Regulations, and Rulings

To respond to these questions, please feel free to share the questionnaire with legal counsel

7. Are there state laws or regulations relating to confidentiality that apply to your agency and your local organizations? N=29

1. 29 (100%) Yes
2. _____ No (go to question 11)

3. _____ Don't know (go to question 11)

For Questions 8, 9, and 10, if there is state legal authority about confidentiality upon which you regularly rely, such as laws, regulations, court decisions, state attorney general opinions, and other rulings, please provide copies of or citations to these documents. Please answer these questions to the best of your knowledge.

8. Under existing laws, regulations, or rulings, which of the following limit your agency's or your local organizations' ability to provide information from agency records upon request? Check all that apply. N=29

- 1. 3 (10%) Agency must not release information from records under any circumstances, except to the client.
- 2. 20 (69%) Agency must not release information from records, except with the informed consent of the client, or in response to a court order.
- 3. 12 (41%) Agency must maintain confidentiality regarding a client's participation in a treatment program (e.g., substance abuse, mental health).
- 4. 4 (14%) Licensed or certified staff are prohibited by law from testifying in court or otherwise providing information based upon confidential communications by a client, unless the client waives this "privilege".
- 5. 0 Don't know
- 6. 13 (45%) Other (please specify) law provides circumstances of release, all confid. unless svc to client, share if it is to protect children, may release if suspect abuse/neglect for medical/mental health treatment or prosecution, limited release without court order

9. Under existing laws, regulations, or rulings, which of the following support your agency's or your local organizations' ability to provide information from agency records upon request? Check all that apply. N=28

- 1. 10 (36%) Agency may release any information to any parent or guardian of a child about whom records are maintained, regardless of who has legal custody.
- 2. 5 (18%) Agency may release information only to the parent or guardian who has legal custody of a child about whom records are maintained.
- 3. 3 (11%) Agency may release full information to a parent or guardian with custody, but only specific limited information to a noncustodial parent.
- 4. 12 (43%) Law(s) which affect your licensed or certified staff regarding privileged confidential communication are subject to certain exceptions where child safety is at issue.
- 5. 0 Don't know
- 6. 9 (32%) Other (please specify) parent (no custody required), guardian w/custody, child ab/neglect law narrow, presumption in IA law is joint custody & equal access, parent does not have access except by court order, limited release without court order, identify of person making CPS report is confidential

10. Under existing laws, regulations, or rulings, which of the following impose a duty upon agency or local organization staff to report certain information regardless of confidentiality

protections which might otherwise apply? Check all that apply. N=29

1. 29 (100%) Agency/staff must report suspected physical or sexual child abuse by a parent, guardian, or caretaker.
2. 29 (100%) Agency/staff must report suspected child neglect by a parent, guardian, or caretaker.
3. 29 (100%) Agency/staff must report suspected failure or refusal to obtain necessary medical treatment for a child by a parent, guardian, or caretaker.
4. 11 (38%) Agency/staff must report suspected child kidnapping.
5. 16 (55%) Agency/staff must report suspected crimes against a child committed by someone other than a parent, guardian, or caretaker.
6. 22 (76%) Agency/staff must report suspected child endangerment.
7. 9 (31%) Agency/staff must warn intended victim if a patient/client presents a serious threat of violence to another.
8. 10 (34%) Criminal law statutes specify situations in which law enforcement may have access to agency records
9. 0 Don't know
10. 3 (10%) Other (please specify) NA, CB law says what to share, case law re mental health cases, refer to DA

Agency Policies and Procedures Regarding Confidentiality

If your agency has written policies, procedures, and/or release forms, please provide copies.

11. Please check all of the following for which your agency or organization has written policies and procedures regarding the release of information-- N=29

1. 7 (24%) Student records
2. 14 (48%) Medical records
3. 9 (31%) Hospital records
4. 26 (90%) Public protective services records
5. 0 Public foster care records
6. 6 (21%) Private social service agency records
7. 6 (21%) Police records
8. 5 (17%) Shelter records
9. 8 (28%) Substance abuse treatment records
10. 9 (31%) Mental health treatment records
11. 6 (21%) Child support records
12. 0 Don't know
13. 4 (14%) Other (please specify) case records in general, CB/Neg hotlines, child fatality reviews, blanket policy, all DCYF records

12. How do your local agencies handle the release of information requested by law enforcement officials, but without subpoena or court order-- N=28

1. 3 (11%) Contact the client prior to releasing information
2. 1 (4%) Send requested information, but notify client that it has been released
3. 3 (11%) Routinely secure release forms from all clients receiving services
4. 4 (14%) Consult prosecuting attorney
5. 2 (7%) Don't know
6. 22 (79%) Other (please specify) only with subpoena or court order, may

release for investigation or prosecution of child abuse/neglect, consult CDPW attorney, required to notify law enforcement of abuse reports, depends on type of info, share with other team members if ca/neglect, MOU with police, case by case per general guidelines for individual entities as much as necessary to provide svcs

13. Does your agency have written procedures regarding the release of information to any of the following within your state or in other states who serve the same client. Check all that apply. N=28

- | | | |
|-----|-----------------|---|
| 1. | <u>15 (54%)</u> | State agencies |
| 2. | <u>11 (39%)</u> | County or city agencies |
| 3. | <u>16 (57%)</u> | School systems |
| 4. | <u>14 (50%)</u> | Private agencies |
| 5. | <u>19 (68%)</u> | Law enforcement |
| 6. | <u>12 (43%)</u> | Health care organizations |
| 7. | <u>18 (64%)</u> | Courts |
| 8. | <u>10 (36%)</u> | Non-client parent with custody order |
| 9. | <u>3 (11%)</u> | None |
| 10. | <u>2 (7%)</u> | Don't know |
| 11. | <u>6 (21%)</u> | Other (please specify) <u>confidentiality policy, case by case per general guidelines, individual entities as much as necessary to provide services</u> |

14. When legal questions regarding confidentiality arise, to whom does a local agency turn for advice? N=29

- | | | |
|----|-----------------|--|
| 1. | <u>17 (59%)</u> | Attorney employed by your agency or organization |
| 2. | <u>4 (14%)</u> | Attorney employed or retained by the local agency |
| 3. | <u>9 (31%)</u> | State or County attorney |
| 4. | <u>13 (45%)</u> | State Attorney General's office |
| 5. | <u>1 (3%)</u> | Outside legal organization |
| 6. | <u>0</u> | No legal resource identified |
| 7. | <u>1 (3%)</u> | Don't know |
| 8. | <u>5 (17%)</u> | Other (please identify) <u>program/policy specialist at state level, central office staff, Assistant Attorney General assigned to agency</u> |

15. To your knowledge, is the release of information to law enforcement officers affected by professional codes of ethics? N=28

- | | | |
|----|-----------------|------------|
| 1. | <u>5 (18%)</u> | Yes |
| 2. | <u>13 (46%)</u> | No |
| 3. | <u>10 (36%)</u> | Don't know |

Interaction With Law Enforcement Officials Seeking Information About Missing Children

16. Do you provide or ask your local agencies to provide information to law enforcement officers that you do not provide to other agencies and/or individuals? N=29

- | | | |
|----|-----------------|------------|
| 1. | <u>19 (66%)</u> | Yes |
| 2. | <u>6 (21%)</u> | No |
| 3. | <u>2 (7%)</u> | Don't know |

17. Do you withhold or ask your local agencies to withhold information from law enforcement officers that is provided to other agencies and/or individuals? N=29

CW Records

- | | | |
|----|-----------------|------------|
| 1. | <u>2 (7%)</u> | Yes |
| 2. | <u>22 (76%)</u> | No |
| 3. | <u>2 (7%)</u> | Don't know |
18. What types of information does your agency provide or ask that your local organizations provide to law enforcement officers? Check all that apply. N=27
- | | | |
|----|-----------------|--|
| 1. | <u>11 (41%)</u> | Identifying information on clients/patients suspected of harboring missing children |
| 2. | <u>12 (44%)</u> | Identifying information and/or photographs on clients/patients suspected of being missing children |
| 3. | <u>8 (30%)</u> | Family history, including reasons for possible parental abduction |
| 4. | <u>16 (59%)</u> | Information that may help to locate runaway/missing child and/or an abductor |
| 5. | <u>9 (33%)</u> | Professional assessment of potential danger to law enforcement officers who are trying to locate missing child |
| 6. | <u>2 (7%)</u> | None |
| 7. | <u>2 (7%)</u> | Don't Know |
| 8. | <u>6 (22%)</u> | Other (please specify) <u>only role is to provide info on missing children, any info when child abuse/neglect or endangerment is a concern, info on CPS cases that may involve missing child, case by case basis, whatever parent will release, info to conduct investigation of child abuse/neglect, info as applicable</u> |
19. Which of the following problems have you or your local organizations encountered when interacting with law enforcement officials about missing children? Check all that apply. N=24
- | | | |
|----|----------------|--|
| 1. | <u>25 (6%)</u> | Law enforcement requests information that your agency believes it is prohibited from sharing. |
| 2. | <u>0</u> | Requests from law enforcement have been made after hours when no one is authorized to release information. |
| 3. | <u>4 (17%)</u> | When requesting information, law enforcement officials have not been sensitive to the operational requirements of the agency. |
| 4. | <u>5 (21%)</u> | Agency staff has concerns that reunification of a child with a parent, guardian, or caretaker would endanger the child. |
| 5. | <u>5 (21%)</u> | Child is known to law enforcement as a habitual runaway and officers are slow responding |
| 6. | <u>5 (21%)</u> | No problems encountered |
| 7. | <u>7 (29%)</u> | Don't know |
| 8. | <u>4 (17%)</u> | Other (please specify) <u>MT DFS has good relationship with law enforcement, they get court order for abuse/neglect info, not responsive & do not give priority, law enforcement generally helpful</u> |
20. When information is provided to law enforcement officers, how is it provided? Check all that apply. N=27
- | | | |
|----|-----------------|---|
| 1. | <u>3 (11%)</u> | Agency allows law enforcement officers to review files. |
| 2. | <u>1 (4%)</u> | Agency routinely provides limited information on all clients (e.g. directory). |
| 3. | <u>5 (19%)</u> | Agency shares full information on specific clients with law enforcement officers. |
| 4. | <u>17 (63%)</u> | Agency provides specific information, without allowing a full review of files, to law enforcement officers. |
| 5. | <u>2 (7%)</u> | Agency provides information to client, which client then shares with |

CW Records

- law enforcement officers
6. 0 None is provided
7. 3 (11%) Don't know
8. 5 (19%) Other (please specify) any info if child abuse/neglect is a concern, depends on type of case and type of info, shared orally or in writing, only relevant info, by court order--usually case summary
21. How do your agency and/or local organizations currently interact with law enforcement officers who are searching for a missing child? Check all that apply. N=27
1. 2 (7%) Interagency agreements or memoranda of understanding
2. 3 (11%) Assignment of special liaisons by the agency to work with law enforcement officials
3. 3 (11%) Assignment of special liaisons by law enforcement to work with your agency
4. 7 (26%) Talking with client/patient to determine whether there is reason to believe a missing child is in the household
5. 8 (30%) Talking with the child to determine whether there is reason to believe that the child ran away or was abducted
6. 5 (19%) Encouraging staff to review photographs of missing children and their likely abductors
7. 4 (15%) By court order
8. 2 (7%) Agency does not interact
9. 5 (19%) Don't know
10. 9 (33%) Other (please specify) CB hotline staff in routine contact with law enforcement, enter data on missing children in automated system to alert law enforcement, case by case basis, interagency liaison works with Boston Juvenile Court, obtain court permission to disclose info, in limited cases give info directly to police
22. If your local organizations are concerned that releasing information may cause a child to be in danger, how might the staff proceed? N=26
1. 18 (69%) Discuss suspected danger with law enforcement officials requesting information
2. 5 (19%) Refuse to release information
3. 7 (27%) Move to quash court order to provide information
4. 7 (27%) Appeal court orders to produce information
5. 3 (12%) Don't know
6. 5 (19%) Other (please specify) not aware of as issue in state, file dependency order for court review, consult with county attorney and local prosecutor, release, court order or subpoena required, Department seldom contacted about missing children, consult Department attorney, varies by case and local conditions or relationships

SURVEY INSTRUMENT
OVERCOMING CONFIDENTIALITY BARRIERS TO FIND MISSING CHILDREN

Domestic Violence Records - 20 records out of 53 (38%)

Name and Title of Person Responding:

Telephone Number:

Agency Characteristics

1. Please describe your members or local organizations under your auspices. Check all that apply. N = 20
1. (20%) 4 Private nonprofit family service agencies
 2. (0%) 0 Private nonprofit hospitals
 3. (5%) 1 Private youth services agencies
 4. (95%) 19 Private non-profit domestic violence programs
 5. (0%) 0 Public child welfare agencies
 6. (0%) 0 Public hospitals
 7. 0 Public health clinics
 8. (25%) 5 Public domestic violence programs
 9. (5%) 1 Private for-profit agencies
 10. 0 Public school systems/State Department of Education
 11. 0 Private school systems
 12. (0%) 0 Child Support agencies
 13. (0%) 0 Child care providers
 14. (0%) 0 Foster parent associations
 15. (20%) 4 Other (please specify) non-profit sexual assault programs, child advocacy, rape crisis center--private non-profit, nonprofit domestic violence perpetrator treatment programs

Program Staff and Volunteers

2. Do your local organizations have staff (full-time and/or part-time) who have a professional degree (e.g. bachelors, masters, JD, PHD) in-- N= 20
1. (90%) 18 Social work
 2. (65%) 13 Psychology
 3. (5%) 1 Psychiatry
 4. (30%) 6 Family Therapy
 5. (45%) 9 Child development
 6. (10%) 2 Nursing
 7. (0%) 0 Medical Records
 8. (25%) 5 Law
 9. (10%) 2 Law enforcement
 10. (35%) 7 Criminal justice/criminology
 11. (65%) 13 Human services or human development
 12. (55%) 11 Sociology
 13. (45%) 9 Education
 14. (5%) 1 Divinity or other religious degree
 15. 0 Don't know

Domestic Violence Records

16. (50%) 10 Other (Please specify) some do & some do not--degrees vary widely, English, varies from program to program, business, political science, MPA, public administration, library science
3. Who has access to client information in your local organizations -- N=20
1. (60%) 12 Professionals
 2. (60%) 12 Paraprofessionals
 3. (50%) 10 Volunteers
 4. (10%) 2 College graduates with degrees in unrelated fields
 5. (50%) 10 Graduate interns
 6. (10%) 2 Don't know
 7. (40%) 8 Other (please specify) varies widely, agencies involved in child abuse, certified battered women counselors, staff/volunteers, all trained staff and volunteers, all who complete training
4. Does your agency or any of your local organizations offer training to educate staff about confidentiality laws, policies, and procedures? N=20
1. 17 (85%) Yes
 2. 2 (10%) No (go to question 7)
 3. 1 (5%) Don't know (go to question 7)
5. Which staff receives the training? N=17
1. 9 (53%) Professionals
 2. 9 (53%) Paraprofessionals
 3. 11 (65%) Volunteers
 4. 1 (6%) College graduates with degrees in unrelated fields
 5. 7 (41%) Graduate interns
 6. 7 (41%) Any staff members who choose to take the training
 7. 2 (12%) Don't know
 8. 6 (35%) Other (please specify) only some offer, every staff person, all staff and volunteers, secretarial, all working with client, management and advocates
6. What type of training do staff members receive? Check all that apply. N=16
1. 6 (38%) By agency counsel
 2. 11 (69%) By administrators
 3. 11 (69%) Using written training materials
 4. 12 (75%) Part of orientation
 5. 4 (7%) Special presentation(s)
 6. 8 (50%) Annual updates on laws, regulations, and/or procedures
 7. 1 (6%) Don't know
 8. 1 (6%) Other (please specify) varies

State Laws, Regulations, and Rulings

To respond to these questions, please feel free to share the questionnaire with legal counsel

7. Are there state laws or regulations relating to confidentiality that apply to your agency and your local organizations? N=20
1. 17 (85%) Yes
 2. 3 (15%) No (go to question 11)
 3. Don't know (go to question 11)

Domestic Violence Records

For Questions 8, 9, and 10, if there is state legal authority about confidentiality upon which you regularly rely, such as laws, regulations, court decisions, state attorney general opinions, and other rulings, please provide copies of or citations to these documents. Please answer these questions to the best of your knowledge.

8. Under existing laws, regulations, or rulings, which of the following limit your agency's or your local organizations' ability to provide information from agency records upon request? Check all that apply. N=16
1. 5 (31%) Agency must not release information from records under any circumstances, except to the client.
 2. 8 (50%) Agency must not release information from records, except with the informed consent of the client, or in response to a court order.
 3. 3 (19%) Agency must maintain confidentiality regarding a client's participation in a treatment program (e.g., substance abuse, mental health).
 4. 6 (38%) Licensed or certified staff are prohibited by law from testifying in court or otherwise providing information based upon confidential communications by a client, unless the client waives this "privilege".
 5. 1 (6%) Don't know
 6. 1 (6%) Other (please specify) don't work with children
9. Under existing laws, regulations, or rulings, which of the following support your agency's or your local organizations' ability to provide information from agency records upon request? Check all that apply. N=14
1. 1 (7%) Agency may release any information to any parent or guardian of a child about whom records are maintained, regardless of who has legal custody.
 2. 2 (14%) Agency may release information only to the parent or guardian who has legal custody of a child about whom records are maintained.
 3. 0 (0%) Agency may release full information to a parent or guardian with custody, but only specific limited information to a noncustodial parent.
 4. 4 (29%) Law(s) which affect your licensed or certified staff regarding privileged confidential communication are subject to certain exceptions where child safety is at issue.
 5. 5 (36%) Don't know
 6. 3 (21%) Other (please specify) minor or parent/guardian may waive privilege, only with court order, sometimes risk contempt
10. Under existing laws, regulations, or rulings, which of the following impose a duty upon agency or local organization staff to report certain information regardless of confidentiality protections which might otherwise apply? Check all that apply. N=17
1. 17 (100%) Agency/staff must report suspected physical or sexual child abuse by a parent, guardian, or caretaker.
 2. 17 (100%) Agency/staff must report suspected child neglect by a parent, guardian, or caretaker.
 3. 10 (59%) Agency/staff must report suspected failure or refusal to obtain necessary medical treatment for a child by a parent, guardian, or caretaker.
 4. 4 (24%) Agency/staff must report suspected child kidnapping.

Domestic Violence Records

- | | | |
|-----|-----------------|---|
| 5. | <u>7 (41%)</u> | Agency/staff must report suspected crimes against a child committed by someone other than a parent, guardian, or caretaker. |
| 6. | <u>10 (59%)</u> | Agency/staff must report suspected child endangerment. |
| 7. | <u>8 (47%)</u> | Agency/staff must warn intended victim if a patient/client presents a serious threat of violence to another. |
| 8. | <u>1 (6%)</u> | Criminal law statutes specify situations in which law enforcement may have access to agency records |
| 9. | <u>0</u> | Don't know |
| 10. | <u>0</u> | Other (please specify) |

Agency Policies and Procedures Regarding Confidentiality

If your agency has written policies, procedures, and/or release forms, please provide copies.

11. Please check all of the following for which your agency or organization has written policies and procedures regarding the release of information-- N=18
- | | | |
|-----|-----------------|---|
| 1. | <u>3 (17%)</u> | Student records |
| 2. | <u>2 (11%)</u> | Medical records |
| 3. | <u>1 (6%)</u> | Hospital records |
| 4. | <u>1 (6%)</u> | Public protective services records |
| 5. | <u>0</u> | Public foster care records |
| 6. | <u>3 (17%)</u> | Private social service agency records |
| 7. | <u>2 (11%)</u> | Police records |
| 8. | <u>10 (56%)</u> | Shelter records |
| 9. | <u>2 (11%)</u> | Substance abuse treatment records |
| 10. | <u>3 (17%)</u> | Mental health treatment records |
| 11. | <u>1 (6%)</u> | Child support records |
| 12. | <u>1 (6%)</u> | Don't know |
| 13. | <u>6 (33%)</u> | Other (please specify) <u>hotline or emergency contact records, crisis line records, varies among programs, no info without written release from client unless it is the law, we have no records, all program records</u> |
12. How do your local agencies handle the release of information requested by law enforcement officials, but without supeona or court order-- N=19
- | | | |
|----|-----------------|---|
| 1. | <u>10 (53%)</u> | Contact the client prior to releasing information |
| 2. | <u>0</u> | Send requested information, but notify client that it has been released |
| 3. | <u>4 (21%)</u> | Routinely secure release forms from all clients receiving services |
| 4. | <u>0</u> | Consult prosecuting attorney |
| 5. | <u>3 (16%)</u> | Don't know |
| 6. | <u>9 (47%)</u> | Other (please specify) <u>other policies exist as well, do not release info--law enforcement must get from client, not released without client waiving privilege, don't always keep detailed records, usually not without court order or client request, not without subpoena</u> |
13. Does your agency have written procedures regarding the release of information to any of the following within your state or in other states who serve the same client. Check all that apply. N=18
- | | | |
|----|----------------|-------------------------|
| 1. | <u>2 (11%)</u> | State agencies |
| 2. | <u>2 (11%)</u> | County or city agencies |
| 3. | <u>2 (11%)</u> | School systems |

Domestic Violence Records

| | | |
|-----|----------------|---|
| 4. | <u>2 (11%)</u> | Private agencies |
| 5. | <u>3 (17%)</u> | Law enforcement |
| 6. | <u>2 (11%)</u> | Health care organizations |
| 7. | <u>2 (11%)</u> | Courts |
| 8. | <u>2 (11%)</u> | Non-client parent with custody order |
| 9. | <u>7 (39%)</u> | None |
| 10. | <u>4 (22%)</u> | Don't know |
| 11. | <u>5 (28%)</u> | Other (please specify) <u>all other domestic violence providers, member programs covered by statute 52-146K, info shared with written consent of cleint, notheing without subpoena, all</u> |

14. When legal questions regarding confidentiality arise, to whom does a local agency turn for advice? N=19

| | | |
|----|-----------------|--|
| 1. | <u>5 (26%)</u> | Attorney employed by your agency or organization |
| 2. | <u>13 (68%)</u> | Attorney employed or retained by the local agency |
| 3. | <u>2 (11%)</u> | State or County attorney |
| 4. | <u>2 (11%)</u> | State Attorney General's office |
| 5. | <u>7 (37%)</u> | Outside legal organization |
| 6. | <u>1 (5%)</u> | No legal resource identified |
| 7. | <u>0</u> | Don't know |
| 8. | <u>5 (26%)</u> | Other (please identify) <u>usually they call the VADV office, DA's council, board attorney in DA's office, NE Dept of Social Services, attorneys serving in volunteer capacities on local boards</u> |

15. To your knowledge, is the release of information to law enforcement officers affected by professional codes of ethics? N=18

| | | |
|----|-----------------|------------|
| 1. | <u>10 (56%)</u> | Yes |
| 2. | <u>2 (11%)</u> | No |
| 3. | <u>5 (28%)</u> | Don't know |

Interaction With Law Enforcement Officials Seeking Information About Missing Children

16. Do you provide or ask your local agencies to provide information to law enforcement officers that you do not provide to other agencies and/or individuals? N=19

| | | |
|----|-----------------|------------|
| 1. | <u>4 (21%)</u> | Yes |
| 2. | <u>13 (68%)</u> | No |
| 3. | <u>2 (11%)</u> | Don't know |

17. Do you withhold or ask your local agencies to withhold information from law enforcement officers that is provided to other agencies and/or individuals? N=19

| | | |
|----|-----------------|------------|
| 1. | <u>1 (5%)</u> | Yes |
| 2. | <u>16 (84%)</u> | No |
| 3. | <u>2 (11%)</u> | Don't know |

18. What types of information does your agency provide or ask that your local organizations provide to law enforcement officers? Check all that apply. N=18

| | | |
|----|----------------|--|
| 1. | <u>2 (11%)</u> | Identifying information on clients/patients suspected of harboring missing children |
| 2. | <u>2 (11%)</u> | Identifying information and/or photographs on clients/patients suspected of being missing children |
| 3. | <u>1 (6%)</u> | Family history, including reasons for possible parental abduction |
| 4. | <u>2 (11%)</u> | Information that may help to locate runaway/missing child and/or |

Domestic Violence Records

- an abductor
5. 2 (11%) Professional assessment of potential danger to law enforcement officers who are trying to locate missing child
6. 10 (56%) None
7. 4 (21%) Don't Know
8. 1 (6%) Other (please specify) individual policy
19. Which of the following problems have you or your local organizations encountered when interacting with law enforcement officials about missing children? Check all that apply. N=19
1. 12 (63%) Law enforcement requests information that your agency believes it is prohibited from sharing.
2. 6 (31%) Requests from law enforcement have been made after hours when no one is authorized to release information.
3. 8 (42%) When requesting information, law enforcement officials have not been sensitive to the operational requirements of the agency.
4. 7 (37%) Agency staff has concerns that reunification of a child with a parent, guardian, or caretaker would endanger the child.
5. 1 (5%) Child is known to law enforcement as a habitual runaway and officers are slow responding
6. 4 (21%) No problems encountered
7. 2 (11%) Don't know
8. 1 (5%) Other (please specify) endanger mother
20. When information is provided to law enforcement officers, how is it provided? Check all that apply. N=19
1. 1 (5%) Agency allows law enforcement officers to review files.
2. 1 (5%) Agency routinely provides limited information on all clients (e.g. directory).
3. 1 (5%) Agency shares full information on specific clients with law enforcement officers.
4. 9 (47%) Agency provides specific information, without allowing a full review of files, to law enforcement officers.
5. 10 (53%) Agency provides information to client, which client then shares with law enforcement officers
6. 1 (5%) None is provided
7. 2 (11%) Don't know
8. 4 (21%) Other (please specify) client may share location with prosecutor, some agencies share litte info--others share more, only info for which client signs waiver
21. How do your agency and/or local organizations currently interact with law enforcement officers who are searching for a missing child? Check all that apply. N=19
1. 2 (11%) Interagency agreements or memoranda of understanding
2. 3 (16%) Assignment of special liaisons by the agency to work with law enforcement officials
3. 3 (16%) Assignment of special liaisons by law enforcement to work with your agency
4. 2 (11%) Talking with client/patient to determine whether there is reason to believe a missing child is in the household
5. 1 (5%) Talking with the child to determine whether there is reason to believe that the child ran away or was abducted

Domestic Violence Records

- | | | |
|-----|----------------|---|
| 6. | <u>1 (5%)</u> | Encouraging staff to review photographs of missing children and their likely abductors |
| 7. | <u>2 (11%)</u> | By court order |
| 8. | <u>3 (16%)</u> | Agency does not interact |
| 9. | <u>7 (37%)</u> | Don't know |
| 10. | <u>3 (16%)</u> | Other (please specify) <u>would usually occur during staffing, differs, no requests</u> |
22. If your local organizations are concerned that releasing information may cause a child to be in danger, how might the staff proceed? N=19
- | | | |
|----|-----------------|--|
| 1. | <u>6 (31%)</u> | Discuss suspected danger with law enforcement officials requesting information |
| 2. | <u>7 (37%)</u> | Refuse to release information |
| 3. | <u>12 (63%)</u> | Move to quash court order to provide information |
| 4. | <u>6 (31%)</u> | Appeal court orders to produce information |
| 5. | <u>3 (16%)</u> | Don't know |
| 6. | <u>3 (16%)</u> | Other (please specify) <u>staff sometimes ready to go to jail before they are willing to release info, with adult client's knowledge & consent, consult parent/guardian to assess risks, differs (20+ orgs in coalition)</u> |

SURVEY INSTRUMENT
OVERCOMING CONFIDENTIALITY BARRIERS TO FIND MISSING CHILDREN

Chief State School Officer Records - 26 records out of 51 (51%)
Name and Title of Person Responding:

Telephone Number:

Agency Characteristics

1. Please describe your members or local organizations under your auspices. Check all that apply. N = 26
1. (0%) 0 Private nonprofit family service agencies
 2. (0%) 0 Private nonprofit hospitals
 3. (0%) 0 Private youth services agencies
 4. (0%) 0 Private non-profit domestic violence programs
 5. (0%) 0 Public child welfare agencies
 6. (0%) 0 Public hospitals
 7. (0%) 0 Public health clinics
 8. (0%) 0 Public domestic violence programs
 9. (0%) 0 Private for-profit agencies
 10. (100%) 26 Public school systems/State Department of Education
 11. (23%) 6 Private school systems
 12. (0%) 0 Child Support agencies
 13. (4%) 1 Child care providers
 14. (0%) 0 Foster parent associations
 15. (8%) 2 Other (please specify) vocational-technical schools, semi-autonomous school districts are not part of the CA Dept of Ed

Program Staff and Volunteers

2. Do your local organizations have staff (full-time and/or part-time) who have a professional degree (e.g. bachelors, masters, JD, PHD) in-- N= 26
1. (65%) 17 Social work
 2. (77%) 20 Psychology
 3. (4%) 1 Psychiatry
 4. (0%) 0 Family Therapy
 5. (35%) 9 Child development
 6. (65%) 17 Nursing
 7. (0%) 0 Medical Records
 8. (35%) 9 Law
 9. (0%) 0 Law enforcement
 10. (0%) 0 Criminal justice/criminology
 11. (19%) 5 Human services or human development
 12. (15%) 4 Sociology
 13. (92%) 24 Education
 14. (4%) 1 Divinity or other religious degree
 15. (4%) 1 Don't know
 16. (23%) 6 Other (Please specify) counseling, school administration, employees are engaged by public and private schools, degrees vary, teachers must have credential

Education Records

3. Who has access to client information in your local organizations -- N=26
1. (81%) 21 Professionals
 2. (27%) 7 Paraprofessionals
 3. (8%) 2 Volunteers
 4. (4%) 1 College graduates with degrees in unrelated fields
 5. (15%) 4 Graduate interns
 6. (4%) 1 Don't know
 7. (27%) 7 Other (please specify) defined in local policy, parents, missing children with state police, interns if employed/licensed, secretary, staff, public if public information law covers
4. Does your agency or any of your local organizations offer training to educate staff about confidentiality laws, policies, and procedures? N=26
1. 19 (73%) Yes
 2. 3 (12%) No (go to question 7)
 3. 4 (15%) Don't know (go to question 7)
5. Which staff receives the training? N=21
1. 19 (90%) Professionals
 2. 9 (43%) Paraprofessionals
 3. 0 Volunteers
 4. 3 (14%) College graduates with degrees in unrelated fields
 5. 4 (19%) Graduate interns
 6. 6 (29%) Any staff members who choose to take the training
 7. 1 (4%) Don't know
 8. 1 (4%) Other (please specify) district administrators
6. What type of training do staff members receive? Check all that apply. N=21
1. 8 (38%) By agency counsel
 2. 9 (43%) By administrators
 3. 7 (33%) Using written training materials
 4. 3 (14%) Part of orientation
 5. 13 (62%) Special presentation(s)
 6. 8 (38%) Annual updates on laws, regulations, and/or procedures
 7. 0 Don't know
 8. 3 (14%) Other (please specify) defined by locals, updates as needed, NA

State Laws, Regulations, and Rulings

To respond to these questions, please feel free to share the questionnaire with legal counsel

7. Are there state laws or regulations relating to confidentiality that apply to your agency and your local organizations? N=26
1. 22 (85%) Yes
 2. 3 (12%) No (go to question 11)
 3. 1 (4%) Don't know (go to question 11)

For Questions 8, 9, and 10, if there is state legal authority about confidentiality upon which you regularly rely, such as laws, regulations, court decisions, state attorney general opinions, and other

Education Records

rulings, please provide copies of or citations to these documents. Please answer these questions to the best of your knowledge.

8. Under existing laws, regulations, or rulings, which of the following limit your agency's or your local organizations' ability to provide information from agency records upon request? Check all that apply. N=24
1. 2 (8%) Agency must not release information from records under any circumstances, except to the client.
 2. 17 (71%) Agency must not release information from records, except with the informed consent of the client, or in response to a court order.
 3. 9 (38%) Agency must maintain confidentiality regarding a client's participation in a treatment program (e.g., substance abuse, mental health).
 4. 2 (8%) Licensed or certified staff are prohibited by law from testifying in court or otherwise providing information based upon confidential communications by a client, unless the client waives this "privilege".
 5. 1 (4%) Don't know
 6. 7 (29%) Other (please specify) depends on nature of client & info. NA, FERPA, state policy, depends on type of record
9. Under existing laws, regulations, or rulings, which of the following support your agency's or your local organizations' ability to provide information from agency records upon request? Check all that apply. N=23
1. 18 (78%) Agency may release any information to any parent or guardian of a child about whom records are maintained, regardless of who has legal custody.
 2. 3 (13%) Agency may release information only to the parent or guardian who has legal custody of a child about whom records are maintained.
 3. 1 (4%) Agency may release full information to a parent or guardian with custody, but only specific limited information to a noncustodial parent.
 4. 9 (39%) Law(s) which affect your licensed or certified staff regarding privileged confidential communication are subject to certain exceptions where child safety is at issue.
 5. 0 Don't know
 6. 4 (17%) Other (please specify) state policy, see info attached to questionnaire
10. Under existing laws, regulations, or rulings, which of the following impose a duty upon agency or local organization staff to report certain information regardless of confidentiality protections which might otherwise apply? Check all that apply. N=23
1. 20 (87%) Agency/staff must report suspected physical or sexual child abuse by a parent, guardian, or caretaker.
 2. 16 (70%) Agency/staff must report suspected child neglect by a parent, guardian, or caretaker.
 3. 10 (43%) Agency/staff must report suspected failure or refusal to obtain necessary medical treatment for a child by a parent, guardian, or caretaker.
 4. 6 (26%) Agency/staff must report suspected child kidnapping.
 5. 10 (43%) Agency/staff must report suspected crimes against a child

Education Records

- | | | |
|-----|-----------------|--|
| 6. | <u>12 (52%)</u> | committed by someone other than a parent, guardian, or caretaker. Agency/staff must report suspected child endangerment. |
| 7. | <u>8 (35%)</u> | Agency/staff must warn intended victim if a patient/client presents a serious threat of violence to another. |
| 8. | <u>5 (22%)</u> | Criminal law statutes specify situations in which law enforcement may have access to agency records |
| 9. | <u>1 (4%)</u> | Don't know |
| 10. | <u>4 (17%)</u> | Other (please specify) <u>NA, reporting requirement for certain professionals, must report when suspect abuse, possibly criminal law statutes as well, CA Penal Code</u> |

Agency Policies and Procedures Regarding Confidentiality

If your agency has written policies, procedures, and/or release forms, please provide copies.

11. Please check all of the following for which your agency or organization has written policies and procedures regarding the release of information-- N=21
- | | | |
|-----|-----------------|---|
| 1. | <u>15 (71%)</u> | Student records |
| 2. | <u>14 (19%)</u> | Medical records |
| 3. | <u>0</u> | Hospital records |
| 4. | <u>0</u> | Public protective services records |
| 5. | <u>0</u> | Public foster care records |
| 6. | <u>0</u> | Private social service agency records |
| 7. | <u>0</u> | Police records |
| 8. | <u>0</u> | Shelter records |
| 9. | <u>2 (10%)</u> | Substance abuse treatment records |
| 10. | <u>0</u> | Mental health treatment records |
| 11. | <u>0</u> | Child support records |
| 12. | <u>0</u> | Don't know |
| 13. | <u>5 (24%)</u> | Other (please specify) <u>use statute, no written policies, schools develop own, teacher certification records, state does not maintain</u> |
12. How do your local agencies handle the release of information requested by law enforcement officials, but without supeona or court order-- N=26
- | | | |
|----|----------------|--|
| 1. | <u>7 (27%)</u> | Contact the client prior to releasing information |
| 2. | <u>5 (19%)</u> | Send requested information, but notify client that it has been released |
| 3. | <u>8 (31%)</u> | Routinely secure release forms from all clients receiving services |
| 4. | <u>1 (4%)</u> | Consult prosecuting attorney |
| 5. | <u>8 (31%)</u> | Don't know |
| 6. | <u>8 (31%)</u> | Other (please specify) <u>depends on purpose of investigation & statutes, get permission from student/parent, FERPA, don't do without court order/subpoena, has not occurred</u> |
13. Does your agency have written procedures regarding the release of information to any of the following within your state or in other states who serve the same client. Check all that apply. N=22
- | | | |
|----|-----------------|-------------------------|
| 1. | <u>9 (41%)</u> | State agencies |
| 2. | <u>4 (18%)</u> | County or city agencies |
| 3. | <u>12 (55%)</u> | School systems |
| 4. | <u>5 (23%)</u> | Private agencies |
| 5. | <u>5 (23%)</u> | Law enforcement |

Education Records

- | | | |
|-----|----------------|--|
| 6. | <u>5 (23%)</u> | Health care organizations |
| 7. | <u>3 (14%)</u> | Courts |
| 8. | <u>4 (18%)</u> | Non-client parent with custody order |
| 9. | <u>7 (32%)</u> | None |
| 10. | <u>1 (5%)</u> | Don't know |
| 11. | <u>4 (18%)</u> | Other (please specify) <u>consult attorney general, all of above under FERPA, locals have own procedures</u> |

14. When legal questions regarding confidentiality arise, to whom does a local agency turn for advice? N=26

- | | | |
|----|-----------------|--|
| 1. | <u>16 (62%)</u> | Attorney employed by your agency or organization |
| 2. | <u>20 (77%)</u> | Attorney employed or retained by the local agency |
| 3. | <u>7 (27%)</u> | State or County attorney |
| 4. | <u>12 (46%)</u> | State Attorney General's office |
| 5. | <u>4 (15%)</u> | Outside legal organization |
| 6. | <u>0</u> | No legal resource identified |
| 7. | <u>1 (4%)</u> | Don't know |
| 8. | <u>5 (19%)</u> | Other (please identify) <u>NA, State Dept of Ed, U.S. FERPA office</u> |

15. To your knowledge, is the release of information to law enforcement officers affected by professional codes of ethics? N=25

- | | | |
|----|-----------------|------------|
| 1. | <u>7 (28%)</u> | Yes |
| 2. | <u>11 (44%)</u> | No |
| 3. | <u>7 (28%)</u> | Don't know |

Interaction With Law Enforcement Officials Seeking Information About Missing Children

16. Do you provide or ask your local agencies to provide information to law enforcement officers that you do not provide to other agencies and/or individuals? N=25

- | | | |
|----|-----------------|------------|
| 1. | <u>4 (16%)</u> | Yes |
| 2. | <u>16 (64%)</u> | No |
| 3. | <u>5 (20%)</u> | Don't know |

17. Do you withhold or ask your local agencies to withhold information from law enforcement officers that is provided to other agencies and/or individuals? N=26

- | | | |
|----|-----------------|------------|
| 1. | <u> </u> | Yes |
| 2. | <u>20 (77%)</u> | No |
| 3. | <u>6 (23%)</u> | Don't know |

18. What types of information does your agency provide or ask that your local organizations provide to law enforcement officers? Check all that apply. N=24

- | | | |
|----|----------------|--|
| 1. | <u>4 (17%)</u> | Identifying information on clients/patients suspected of harboring missing children |
| 2. | <u>5 (21%)</u> | Identifying information and/or photographs on clients/patients suspected of being missing children |
| 3. | <u>1 (4%)</u> | Family history, including reasons for possible parental abduction |
| 4. | <u>6 (25%)</u> | Information that may help to locate runaway/missing child and/or an abductor |
| 5. | <u>1 (4%)</u> | Professional assessment of potential danger to law enforcement officers who are trying to locate missing child |
| 6. | <u>5 (21%)</u> | None |
| 7. | <u>6 (24%)</u> | Don't Know |

Education Records

8. 7 (29%) Other (please specify) follow 34 CFR Pt 99 & NY Child Prot Svc Act, depends on situation--judgement made at local level, we don't initiate contacts, whatever custodial parent releases, all records pursuant to court order, all info required by protect svc workers, refer to attorney general, info other than directory requires court order
19. Which of the following problems have you or your local organizations encountered when interacting with law enforcement officials about missing children? Check all that apply. N=25
1. 4 (16%) Law enforcement requests information that your agency believes it is prohibited from sharing.
2. 1 (4%) Requests from law enforcement have been made after hours when no one is authorized to release information.
3. 2 (8%) When requesting information, law enforcement officials have not been sensitive to the operational requirements of the agency.
4. 4 (16%) Agency staff has concerns that reunification of a child with a parent, guardian, or caretaker would endanger the child.
5. 2 (8%) Child is known to law enforcement as a habitual runaway and officers are slow responding
6. 7 (28%) No problems encountered
7. 11 (44%) Don't know
8. 2 (8%) Other (please specify) have never been contacted re missing children, we don't maintain records at state level
20. When information is provided to law enforcement officers, how is it provided? Check all that apply. N=23
1. 1 (4%) Agency allows law enforcement officers to review files.
2. 5 (22%) Agency routinely provides limited information on all clients (e.g. directory).
3. 3 (13%) Agency shares full information on specific clients with law enforcement officers.
4. 3 (13%) Agency provides specific information, without allowing a full review of files, to law enforcement officers.
5. 2 (9%) Agency provides information to client, which client then shares with law enforcement officers
6. 3 (13%) None is provided
7. 9 (39%) Don't know
8. 4 (17%) Other (please specify) hasn't ever happened, local policy, when parents sign release or there is an emergency, refer to CA Parent Locator Svc. See 34 CFR Pt 99 & 45 CFR Pt 2
21. How do your agency and/or local organizations currently interact with law enforcement officers who are searching for a missing child? Check all that apply. N=25
1. 3 (12%) Interagency agreements or memoranda of understanding
2. 3 (12%) Assignment of special liaisons by the agency to work with law enforcement officials
3. 1 (4%) Assignment of special liaisons by law enforcement to work with your agency
4. 3 (12%) Talking with client/patient to determine whether there is reason to believe a missing child is in the household

Education Records

- | | | |
|-----|----------------|--|
| 5. | <u>4 (16%)</u> | Talking with the child to determine whether there is reason to believe that the child ran away or was abducted |
| 6. | <u>1 (4%)</u> | Encouraging staff to review photographs of missing children and their likely abductors |
| 7. | <u>7 (28%)</u> | By court order |
| 8. | <u>4 (16%)</u> | Agency does not interact |
| 9. | <u>8 (32%)</u> | Don't know |
| 10. | <u>7 (28%)</u> | Other (please specify) <u>local policy, consult school attorney, info given to state police, Dept of Ed is link between state police & local districts</u> |

22. If your local organizations are concerned that releasing information may cause a child to be in danger, how might the staff proceed? N=22

- | | | |
|----|-----------------|---|
| 1. | <u>10 (45%)</u> | Discuss suspected danger with law enforcement officials requesting information |
| 2. | <u>6 (27%)</u> | Refuse to release information |
| 3. | <u>2 (9%)</u> | Move to quash court order to provide information |
| 4. | <u>3 (17%)</u> | Appeal court orders to produce information |
| 5. | <u>9 (41%)</u> | Don't know |
| 6. | <u>6 (27%)</u> | Other (please specify) <u>refuse to release child or info without court order, local policy, consult state attorney</u> |

SURVEY INSTRUMENT
OVERCOMING CONFIDENTIALITY BARRIERS TO FIND MISSING CHILDREN

Hospital Records - 13 records out of 51 (25%)

Name and Title of Person Responding:

Telephone Number:

Agency Characteristics

1. Please describe your members or local organizations under your auspices. Check all that apply. N = 13
1. (0%) 0 Private nonprofit family service agencies
 2. (100%) 13 Private nonprofit hospitals
 3. (0%) 0 Private youth services agencies
 4. (0%) 0 Private non-profit domestic violence programs
 5. (0%) 0 Public child welfare agencies
 6. (69%) 9 Public hospitals
 7. 0 Public health clinics
 8. (8%) 1 Public domestic violence programs
 9. (0%) 0 Private for-profit agencies
 10. 0 Public school systems/State Department of Education
 11. 0 Private school systems
 12. (0%) 0 Child Support agencies
 13. (0%) 0 Child care providers
 14. (0%) 0 Foster parent associations
 15. (0%) 0 Other (please specify)

Program Staff and Volunteers

2. Do your local organizations have staff (full-time and/or part-time) who have a professional degree (e.g. bachelors, masters, JD, PHD) in-- N= 13
1. (100%) 13 Social work
 2. (85%) 11 Psychology
 3. (85%) 11 Psychiatry
 4. (62%) 8 Family Therapy
 5. (54%) 7 Child development
 6. (92%) 12 Nursing
 7. (100%) 13 Medical Records
 8. (54%) 7 Law
 9. (8%) 1 Law enforcement
 10. (8%) 1 Criminal justice/criminology
 11. (54%) 7 Human services or human development
 12. (23%) 3 Sociology
 13. (54%) 7 Education
 14. (46%) 6 Divinity or other religious degree
 15. (8%) 1 Don't know
 16. (23%) 3 Other (Please specify) accounting, business, counseling

Hospital Records

3. Who has access to client information in your local organizations -- N=13
1. (69%) 9 Professionals
 2. (15%) 2 Paraprofessionals
 3. (0%) 0 Volunteers
 4. (0%) 0 College graduates with degrees in unrelated fields
 5. (8%) 1 Graduate interns
 6. (15%) 2 Don't know
 7. (15%) 2 Other (please specify) hospital staff who need to know, NA
4. Does your agency or any of your local organizations offer training to educate staff about confidentiality laws, policies, and procedures? N=12
1. 11 (92%) Yes
 2. 1 (8%) No (go to question 7)
 3. 0 (0%) Don't know (go to question 7)
5. Which staff receives the training? N=11
1. 9 (82%) Professionals
 2. 6 (55%) Paraprofessionals
 3. 3 (27%) Volunteers
 4. 1 (9%) College graduates with degrees in unrelated fields
 5. 1 (9%) Graduate interns
 6. 2 (18%) Any staff members who choose to take the training
 7. 1 (9%) Don't know
 8. 1 (9%) Other (please specify) medical records
6. What type of training do staff members receive? Check all that apply. N=11
1. 4 (36%) By agency counsel
 2. 5 (45%) By administrators
 3. 5 (45%) Using written training materials
 4. 6 (55%) Part of orientation
 5. 5 (45%) Special presentation(s)
 6. 5 (45%) Annual updates on laws, regulations, and/or procedures
 7. 0 (0%) Don't know
 8. 3 (27%) Other (please specify) any or all of above

State Laws, Regulations, and Rulings

To respond to these questions, please feel free to share the questionnaire with legal counsel

7. Are there state laws or regulations relating to confidentiality that apply to your agency and your local organizations? N=12
1. 9 (75%) Yes
 2. 1 (8%) No (go to question 11)
 3. 2 (17%) Don't know (go to question 11)

For Questions 8, 9, and 10, if there is state legal authority about confidentiality upon which you regularly rely, such as laws, regulations, court decisions, state attorney general opinions, and other rulings, please provide copies of or citations to these documents. Please answer these questions to the best of your knowledge.

Hospital Records

8. Under existing laws, regulations, or rulings, which of the following limit your agency's or your local organizations' ability to provide information from agency records upon request? Check all that apply. N=9

1. 0 (0%) Agency must not release information from records under any circumstances, except to the client.
2. 8 (9%) Agency must not release information from records, except with the informed consent of the client, or in response to a court order.
3. 5 (56%) Agency must maintain confidentiality regarding a client's participation in a treatment program (e.g., substance abuse, mental health).
4. 2 (22%) Licensed or certified staff are prohibited by law from testifying in court or otherwise providing information based upon confidential communications by a client, unless the client waives this "privilege".
5. 0 (0%) Don't know
6. 1 (11%) Other (please specify) NA, no direct client care

9. Under existing laws, regulations, or rulings, which of the following support your agency's or your local organizations' ability to provide information from agency records upon request? Check all that apply. N=8

1. 4 (50%) Agency may release any information to any parent or guardian of a child about whom records are maintained, regardless of who has legal custody.
2. 2 (25%) Agency may release information only to the parent or guardian who has legal custody of a child about whom records are maintained.
3. 1 (13%) Agency may release full information to a parent or guardian with custody, but only specific limited information to a noncustodial parent.
4. 4 (50%) Law(s) which affect your licensed or certified staff regarding privileged confidential communication are subject to certain exceptions where child safety is at issue.
5. 0 (0%) Don't know
6. 0 (0%) Other (please specify)

10. Under existing laws, regulations, or rulings, which of the following impose a duty upon agency or local organization staff to report certain information regardless of confidentiality protections which might otherwise apply? Check all that apply. N=8

1. 8 (100%) Agency/staff must report suspected physical or sexual child abuse by a parent, guardian, or caretaker.
2. 8 (100%) Agency/staff must report suspected child neglect by a parent, guardian, or caretaker.
3. 5 (63%) Agency/staff must report suspected failure or refusal to obtain necessary medical treatment for a child by a parent, guardian, or caretaker.
4. 1 (13%) Agency/staff must report suspected child kidnapping.
5. 3 (38%) Agency/staff must report suspected crimes against a child committed by someone other than a parent, guardian, or caretaker.
6. 4 (50%) Agency/staff must report suspected child endangerment.
7. 3 (38%) Agency/staff must warn intended victim if a patient/client presents a serious threat of violence to another.
8. 4 (50%) Criminal law statutes specify situations in which law enforcement

Runaway Records

Check all that apply. N=5

1. 0 (0%) Agency must not release information from records under any circumstances, except to the client.
 2. 3 (60%) Agency must not release information from records, except with the informed consent of the client, or in response to a court order.
 3. 1 (20%) Agency must maintain confidentiality regarding a client's participation in a treatment program (e.g., substance abuse, mental health).
 4. 0 (0%) Licensed or certified staff are prohibited by law from testifying in court or otherwise providing information based upon confidential communications by a client, unless the client waives this "privilege".
 5. 2 (40%) Don't know
 6. 0 (0%) Other (please specify)
9. Under existing laws, regulations, or rulings, which of the following support your agency's or your local organizations' ability to provide information from agency records upon request? Check all that apply. N=5
1. 1 (20%) Agency may release any information to any parent or guardian of a child about whom records are maintained, regardless of who has legal custody.
 2. 0 (0%) Agency may release information only to the parent or guardian who has legal custody of a child about whom records are maintained.
 3. 0 (0%) Agency may release full information to a parent or guardian with custody, but only specific limited information to a noncustodial parent.
 4. 2 (40%) Law(s) which affect your licensed or certified staff regarding privileged confidential communication are subject to certain exceptions where child safety is at issue.
 5. 3 (60%) Don't know
 6. 0 (0%) Other (please specify)
10. Under existing laws, regulations, or rulings, which of the following impose a duty upon agency or local organization staff to report certain information regardless of confidentiality protections which might otherwise apply? Check all that apply. N=5
1. 3 (60%) Agency/staff must report suspected physical or sexual child abuse by a parent, guardian, or caretaker.
 2. 3 (60%) Agency/staff must report suspected child neglect by a parent, guardian, or caretaker.
 3. 2 (40%) Agency/staff must report suspected failure or refusal to obtain necessary medical treatment for a child by a parent, guardian, or caretaker.
 4. 2 (40%) Agency/staff must report suspected child kidnapping.
 5. 7 (41%) Agency/staff must report suspected crimes against a child committed by someone other than a parent, guardian, or caretaker.
 6. 1 (20%) Agency/staff must report suspected child endangerment.
 7. 2 (40%) Agency/staff must warn intended victim if a patient/client presents a serious threat of violence to another.
 8. 1 (20%) Criminal law statutes specify situations in which law enforcement may have access to agency records
 9. 2 (40%) Don't know
 10. 0 Other (please specify)

Runaway Records

Agency Policies and Procedures Regarding Confidentiality

If your agency has written policies, procedures, and/or release forms, please provide copies.

11. Please check all of the following for which your agency or organization has written policies and procedures regarding the release of information-- N=6
- | | | |
|-----|----------------|---------------------------------------|
| 1. | <u>1 (17%)</u> | Student records |
| 2. | <u>1 (17%)</u> | Medical records |
| 3. | <u>0 (0%)</u> | Hospital records |
| 4. | <u>0 (0%)</u> | Public protective services records |
| 5. | <u>0</u> | Public foster care records |
| 6. | <u>2 (33%)</u> | Private social service agency records |
| 7. | <u>1 (17%)</u> | Police records |
| 8. | <u>2 (33%)</u> | Shelter records |
| 9. | <u>2 (33%)</u> | Substance abuse treatment records |
| 10. | <u>2 (33%)</u> | Mental health treatment records |
| 11. | <u>0 (0%)</u> | Child support records |
| 12. | <u>1 (17%)</u> | Don't know |
| 13. | <u>2 (33%)</u> | Other (please specify) |
12. How do your local agencies handle the release of information requested by law enforcement officials, but without supeona or court order-- N=6
- | | | |
|----|----------------|---|
| 1. | <u>2 (33%)</u> | Contact the client prior to releasing information |
| 2. | <u>0</u> | Send requested information, but notify client that it has been released |
| 3. | <u>2 (33%)</u> | Routinely secure release forms from all clients receiving services |
| 4. | <u>1 (17%)</u> | Consult prosecuting attorney |
| 5. | <u>2 (33%)</u> | Don't know |
| 6. | <u>1 (17%)</u> | Other (please specify) |
13. Does your agency have written procedures regarding the release of information to any of the following within your state or in other states who serve the same client. Check all that apply. N=5
- | | | |
|-----|----------------|--------------------------------------|
| 1. | <u>2 (40%)</u> | State agencies |
| 2. | <u>1 (20%)</u> | County or city agencies |
| 3. | <u>1 (20%)</u> | School systems |
| 4. | <u>1 (20%)</u> | Private agencies |
| 5. | <u>1 (20%)</u> | Law enforcement |
| 6. | <u>1 (20%)</u> | Health care organizations |
| 7. | <u>1 (20%)</u> | Courts |
| 8. | <u>1 (20%)</u> | Non-client parent with custody order |
| 9. | <u>0 (0%)</u> | None |
| 10. | <u>1 (20%)</u> | Don't know |
| 11. | <u>3 (60%)</u> | Other (please specify) |
14. When legal questions regarding confidentiality arise, to whom does a local agency turn for advice? N=5
- | | | |
|----|----------------|---|
| 1. | <u>2 (40%)</u> | Attorney employed by your agency or organization |
| 2. | <u>2 (40%)</u> | Attorney employed or retained by the local agency |
| 3. | <u>1 (20%)</u> | State or County attorney |
| 4. | <u>1 (20%)</u> | State Attorney General's office |
| 5. | <u>2 (40%)</u> | Outside legal organization |
| 6. | <u>0 (0%)</u> | No legal resource identified |

SURVEY INSTRUMENT
OVERCOMING CONFIDENTIALITY BARRIERS TO FIND MISSING CHILDREN

Organizations Providing Training and Technical Assistance to Organizations Serving
Runaway and Homeless Youths- 6 records out of 10 (60%)

Name and Title of Person Responding:

Telephone Number:

Agency Characteristics

1. Please describe your members or local organizations under your auspices. Check all that apply. N = 6
1. (83%) 5 Private nonprofit family service agencies
 2. (33%) 2 Private nonprofit hospitals
 3. (100%) 6 Private youth services agencies
 4. (0%) 0 Private non-profit domestic violence programs
 5. (0%) 0 Public child welfare agencies
 6. (0%) 0 Public hospitals
 7. (0%) 0 Public health clinics
 8. (0%) 0 Public domestic violence programs
 9. (0%) 0 Private for-profit agencies
 10. 0 Public school systems/State Department of Education
 11. 0 Private school systems
 12. (0%) 0 Child Support agencies
 13. (17%) 1 Child care providers
 14. (0%) 0 Foster parent associations
 15. (33%) 2 Other (please specify)

Program Staff and Volunteers

2. Do your local organizations have staff (full-time and/or part-time) who have a professional degree (e.g. bachelors, masters, JD, PHD) in-- N= 6
1. (100%) 6 Social work
 2. (100%) 6 Psychology
 3. (33%) 2 Psychiatry
 4. (100%) 6 Family Therapy
 5. (50%) 3 Child development
 6. (17%) 1 Nursing
 7. (0%) 0 Medical Records
 8. (50%) 3 Law
 9. (50%) 3 Law enforcement
 10. (67%) 4 Criminal justice/criminology
 11. (83%) 5 Human services or human development
 12. (83%) 5 Sociology
 13. (67%) 4 Education
 14. (50%) 3 Divinity or other religious degree
 15. 0 Don't know
 16. (33%) 2 Other (Please specify)

Runaway Records

3. Who has access to client information in your local organizations -- N=6
1. (83%) 5 Professionals
 2. (50%) 3 Paraprofessionals
 3. (17%) 1 Volunteers
 4. (17%) 1 College graduates with degrees in unrelated fields
 5. (33%) 2 Graduate interns
 6. (17%) 1 Don't know
 7. (50%) 3 Other (please specify)
4. Does your agency or any of your local organizations offer training to educate staff about confidentiality laws, policies, and procedures? N=6
1. 6 (100%) Yes
 2. _____ No (go to question 7)
 3. _____ Don't know (go to question 7)
5. Which staff receives the training? N=6
1. 4 (67%) Professionals
 2. 4 (67%) Paraprofessionals
 3. 3 (50%) Volunteers
 4. 3 (50%) College graduates with degrees in unrelated fields
 5. 2 (33%) Graduate interns
 6. 4 (67%) Any staff members who choose to take the training
 7. 0 (0%) Don't know
 8. 0 (0%) Other (please specify)
6. What type of training do staff members receive? Check all that apply. N=6
1. 1 (17%) By agency counsel
 2. 5 (83%) By administrators
 3. 4 (67%) Using written training materials
 4. 4 (67%) Part of orientation
 5. 5 (83%) Special presentation(s)
 6. 2 (33%) Annual updates on laws, regulations, and/or procedures
 7. 0 (0%) Don't know
 8. 1 (17%) Other (please specify)

State Laws, Regulations, and Rulings

To respond to these questions, please feel free to share the questionnaire with legal counsel

7. Are there state laws or regulations relating to confidentiality that apply to your agency and your local organizations? N=6
1. 5 (83%) Yes
 2. 0 No (go to question 11)
 3. 1 (17%) Don't know (go to question 11)

For Questions 8, 9, and 10, if there is state legal authority about confidentiality upon which you regularly rely, such as laws, regulations, court decisions, state attorney general opinions, and other rulings, please provide copies of or citations to these documents. Please answer these questions to the best of your knowledge.

8. Under existing laws, regulations, or rulings, which of the following limit your agency's or your local organizations' ability to provide information from agency records upon request?

Hospital Records

- | | | |
|----|----------------|---|
| 2. | <u>1 (9%)</u> | Requests from law enforcement have been made after hours when no one is authorized to release information. |
| 3. | <u>1 (9%)</u> | When requesting information, law enforcement officials have not been sensitive to the operational requirements of the agency. |
| 4. | <u>0 (0%)</u> | Agency staff has concerns that reunification of a child with a parent, guardian, or caretaker would endanger the child. |
| 5. | <u>0 (0%)</u> | Child is known to law enforcement as a habitual runaway and officers are slow responding |
| 6. | <u>1 (9%)</u> | No problems encountered |
| 7. | <u>8 (73%)</u> | Don't know |
| 8. | <u>1 (9%)</u> | Other (please specify) <u>NA</u> |
20. When information is provided to law enforcement officers, how is it provided? Check all that apply. N=12
- | | | |
|----|----------------|---|
| 1. | <u>1 (8%)</u> | Agency allows law enforcement officers to review files. |
| 2. | <u>1 (8%)</u> | Agency routinely provides limited information on all clients (e.g. directory). |
| 3. | <u>1 (8%)</u> | Agency shares full information on specific clients with law enforcement officers. |
| 4. | <u>3 (25%)</u> | Agency provides specific information, without allowing a full review of files, to law enforcement officers. |
| 5. | <u>1 (8%)</u> | Agency provides information to client, which client then shares with law enforcement officers |
| 6. | <u>2 (17%)</u> | None is provided |
| 7. | <u>4 (33%)</u> | Don't know |
| 8. | <u>2 (17%)</u> | Other (please specify) <u>NA, info provided to association by member hospital</u> |
21. How do your agency and/or local organizations currently interact with law enforcement officers who are searching for a missing child? Check all that apply. N=11
- | | | |
|-----|----------------|---|
| 1. | <u>0 (0%)</u> | Interagency agreements or memoranda of understanding |
| 2. | <u>0 (0%)</u> | Assignment of special liaisons by the agency to work with law enforcement officials |
| 3. | <u>0 (0%)</u> | Assignment of special liaisons by law enforcement to work with your agency |
| 4. | <u>0 (0%)</u> | Talking with client/patient to determine whether there is reason to believe a missing child is in the household |
| 5. | <u>0 (0%)</u> | Talking with the child to determine whether there is reason to believe that the child ran away or was abducted |
| 6. | <u>0 (0%)</u> | Encouraging staff to review photographs of missing children and their likely abductors |
| 7. | <u>1 (9%)</u> | By court order |
| 8. | <u>1 (9%)</u> | Agency does not interact |
| 9. | <u>7 (64%)</u> | Don't know |
| 10. | <u>2 (18%)</u> | Other (please specify) <u>NA, by phone after hospital has requested that we do so</u> |
22. If your local organizations are concerned that releasing information may cause a child to be in danger, how might the staff proceed? N=11
- | | | |
|----|----------------|--|
| 1. | <u>2 (18%)</u> | Discuss suspected danger with law enforcement officials requesting information |
|----|----------------|--|

Hospital Records

| | | |
|----|----------------|--|
| 2. | <u>2 (18%)</u> | Refuse to release information |
| 3. | <u>1 (9%)</u> | Move to quash court order to provide information |
| 4. | <u>2 (18%)</u> | Appeal court orders to produce information |
| 5. | <u>7 (64%)</u> | Don't know |
| 6. | <u>2 (18%)</u> | Other (please specify) <u>NA, option to notify protective services</u> |

Hospital Records

- | | | |
|-----|----------|-----------------------------------|
| 9. | <u>0</u> | may have access to agency records |
| | | Don't know |
| 10. | <u>0</u> | Other (please specify) |

Agency Policies and Procedures Regarding Confidentiality

If your agency has written policies, procedures, and/or release forms, please provide copies.

11. Please check all of the following for which your agency or organization has written policies and procedures regarding the release of information-- N=11
- | | | |
|-----|----------------|--|
| 1. | <u>2 (18%)</u> | Student records |
| 2. | <u>7 (64%)</u> | Medical records |
| 3. | <u>6 (55%)</u> | Hospital records |
| 4. | <u>2 (18%)</u> | Public protective services records |
| 5. | <u>0</u> | Public foster care records |
| 6. | <u>1 (9%)</u> | Private social service agency records |
| 7. | <u>1 (9%)</u> | Police records |
| 8. | <u>1 (9%)</u> | Shelter records |
| 9. | <u>4 (36%)</u> | Substance abuse treatment records |
| 10. | <u>5 (45%)</u> | Mental health treatment records |
| 11. | <u>0 (0%)</u> | Child support records |
| 12. | <u>2 (18%)</u> | Don't know |
| 13. | <u>2 (18%)</u> | Other (please specify) <u>NA, policies by individual institution</u> |
12. How do your local agencies handle the release of information requested by law enforcement officials, but without supeona or court order-- N=11
- | | | |
|----|----------------|---|
| 1. | <u>1 (9%)</u> | Contact the client prior to releasing information |
| 2. | <u>0</u> | Send requested information, but notify client that it has been released |
| 3. | <u>4 (36%)</u> | Routinely secure release forms from all clients receiving services |
| 4. | <u>0</u> | Consult prosecuting attorney |
| 5. | <u>2 (18%)</u> | Don't know |
| 6. | <u>6 (55%)</u> | Other (please specify) <u>only with subpoena or court order, hospital legal counsel involved, policies developed by hospitals</u> |
13. Does your agency have written procedures regarding the release of information to any of the following within your state or in other states who serve the same client. Check all that apply. N=12
- | | | |
|-----|----------------|--|
| 1. | <u>2 (17%)</u> | State agencies |
| 2. | <u>2 (17%)</u> | County or city agencies |
| 3. | <u>2 (17%)</u> | School systems |
| 4. | <u>2 (17%)</u> | Private agencies |
| 5. | <u>1 (8%)</u> | Law enforcement |
| 6. | <u>2 (17%)</u> | Health care organizations |
| 7. | <u>2 (17%)</u> | Courts |
| 8. | <u>0 (0%)</u> | Non-client parent with custody order |
| 9. | <u>2 (17%)</u> | None |
| 10. | <u>5 (42%)</u> | Don't know |
| 11. | <u>3 (25%)</u> | Other (please specify) <u>state law, NA, individual institution policies</u> |

Hospital Records

14. When legal questions regarding confidentiality arise, to whom does a local agency turn for advice? N=12
- | | | |
|----|----------------|---|
| 1. | <u>8 (67%)</u> | Attorney employed by your agency or organization |
| 2. | <u>8 (67%)</u> | Attorney employed or retained by the local agency |
| 3. | <u>2 (17%)</u> | State or County attorney |
| 4. | <u>2 (17%)</u> | State Attorney General's office |
| 5. | <u>2 (17%)</u> | Outside legal organization |
| 6. | <u>0 (0%)</u> | No legal resource identified |
| 7. | <u>1 (8%)</u> | Don't know |
| 8. | <u>1 (8%)</u> | Other (please identify) <u>hospital counsel</u> |
15. To your knowledge, is the release of information to law enforcement officers affected by professional codes of ethics? N=12
- | | | |
|----|----------------|------------|
| 1. | <u>5 (42%)</u> | Yes |
| 2. | <u>2 (17%)</u> | No |
| 3. | <u>5 (42%)</u> | Don't know |

Interaction With Law Enforcement Officials Seeking Information About Missing Children

16. Do you provide or ask your local agencies to provide information to law enforcement officers that you do not provide to other agencies and/or individuals? N=12
- | | | |
|----|----------------|------------|
| 1. | <u>1 (8%)</u> | Yes |
| 2. | <u>8 (67%)</u> | No |
| 3. | <u>2 (17%)</u> | Don't know |
17. Do you withhold or ask your local agencies to withhold information from law enforcement officers that is provided to other agencies and/or individuals? N=12
- | | | |
|----|----------------|------------|
| 1. | <u>0 (0%)</u> | Yes |
| 2. | <u>9 (75%)</u> | No |
| 3. | <u>2 (17%)</u> | Don't know |
18. What types of information does your agency provide or ask that your local organizations provide to law enforcement officers? Check all that apply. N=11
- | | | |
|----|----------------|--|
| 1. | <u>1 (9%)</u> | Identifying information on clients/patients suspected of harboring missing children |
| 2. | <u>2 (18%)</u> | Identifying information and/or photographs on clients/patients suspected of being missing children |
| 3. | <u>1 (9%)</u> | Family history, including reasons for possible parental abduction |
| 4. | <u>2 (18%)</u> | Information that may help to locate runaway/missing child and/or an abductor |
| 5. | <u>1 (9%)</u> | Professional assessment of potential danger to law enforcement officers who are trying to locate missing child |
| 6. | <u>3 (27%)</u> | None |
| 7. | <u>3 (27%)</u> | Don't Know |
| 8. | <u>3 (27%)</u> | Other (please specify) <u>NA, individual hospital policies, what they are authorized</u> |
19. Which of the following problems have you or your local organizations encountered when interacting with law enforcement officials about missing children? Check all that apply. N=11
- | | | |
|----|---------------|---|
| 1. | <u>1 (9%)</u> | Law enforcement requests information that your agency believes it is prohibited from sharing. |
|----|---------------|---|

Runaway Records

7. 0 Don't know
8. 1 (20%) Other (please identify)

15. To your knowledge, is the release of information to law enforcement officers affected by professional codes of ethics? N=6

1. 5 (83%) Yes
2. 0 No
3. 1 (17%) Don't know

Interaction With Law Enforcement Officials Seeking Information About Missing Children

16. Do you provide or ask your local agencies to provide information to law enforcement officers that you do not provide to other agencies and/or individuals? N=5

1. 0 (0%) Yes
2. 4 (80%) No
3. 1 (20%) Don't know

17. Do you withhold or ask your local agencies to withhold information from law enforcement officers that is provided to other agencies and/or individuals? N=6

1. 0 (0%) Yes
2. 5 (83%) No
3. 1 (17%) Don't know

18. What types of information does your agency provide or ask that your local organizations provide to law enforcement officers? Check all that apply. N=5

1. 0 (0%) Identifying information on clients/patients suspected of harboring missing children
2. 1 (20%) Identifying information and/or photographs on clients/patients suspected of being missing children
3. 0 (0%) Family history, including reasons for possible parental abduction
4. 0 (0%) Information that may help to locate runaway/missing child and/or an abductor
5. 0 (0%) Professional assessment of potential danger to law enforcement officers who are trying to locate missing child
6. 1 (20%) None
7. 2 (40%) Don't Know
8. 1 (20%) Other (please specify)

19. Which of the following problems have you or your local organizations encountered when interacting with law enforcement officials about missing children? Check all that apply. N=6

1. 4 (67%) Law enforcement requests information that your agency believes it is prohibited from sharing.
2. 0 (0%) Requests from law enforcement have been made after hours when no one is authorized to release information.
3. 3 (50%) When requesting information, law enforcement officials have not been sensitive to the operational requirements of the agency.
4. 3 (50%) Agency staff has concerns that reunification of a child with a parent, guardian, or caretaker would endanger the child.
5. 2 (33%) Child is known to law enforcement as a habitual runaway and officers are slow responding
6. 0 (0%) No problems encountered

Runaway Records

7. 2 (33%) Don't know
 8. 0 (0%) Other (please specify)
20. When information is provided to law enforcement officers, how is it provided? Check all that apply. N=5
1. 0 (0%) Agency allows law enforcement officers to review files.
 2. 0 (0%) Agency routinely provides limited information on all clients (e.g. directory).
 3. 0 (0%) Agency shares full information on specific clients with law enforcement officers.
 4. 1 (20%) Agency provides specific information, without allowing a full review of files, to law enforcement officers.
 5. 0 (0%) Agency provides information to client, which client then shares with law enforcement officers
 6. 0 (0%) None is provided
 7. 3 (60%) Don't know
 8. 1 (20%) Other (please specify)
21. How do your agency and/or local organizations currently interact with law enforcement officers who are searching for a missing child? Check all that apply. N=5
1. 2 (40%) Interagency agreements or memoranda of understanding
 2. 1 (20%) Assignment of special liaisons by the agency to work with law enforcement officials
 3. 0 (0%) Assignment of special liaisons by law enforcement to work with your agency
 4. 0 (0%) Talking with client/patient to determine whether there is reason to believe a missing child is in the household
 5. 1 (20%) Talking with the child to determine whether there is reason to believe that the child ran away or was abducted
 6. 0 (0%) Encouraging staff to review photographs of missing children and their likely abductors
 7. 2 (40%) By court order
 8. 0 (0%) Agency does not interact
 9. 2 (40%) Don't know
 10. 1 (20%) Other (please specify)
22. If your local organizations are concerned that releasing information may cause a child to be in danger, how might the staff proceed? N=6
1. 0 (0%) Discuss suspected danger with law enforcement officials requesting information
 2. 2 (33%) Refuse to release information
 3. 0 (0%) Move to quash court order to provide information
 4. 1 (17%) Appeal court orders to produce information
 5. 3 (50%) Don't know
 6. 1 (17%) Other (please specify)

APPENDIX F
TYPES OF INFORMATION PROVIDED TO
LAW ENFORCEMENT

TYPES OF INFORMATION AND WAYS OF PROVIDING IT

| State | Program Type | Type of Information Provided to Law Enforcement | | | | | | How Information is Provided | | | | | |
|-------|-------------------|---|---------------|----------------|---------------------------|------------------|------|-----------------------------|-----------|----------------------------|---------------|-------------------------|---|
| | | Person Hiding Child | Missing Child | Family History | Location Runaway/ Missing | Potential Danger | None | Review Files | Directory | Full Info Specific Clients | Specific Info | Client Asked To Provide | |
| AZ | Public CW | X | X | X | X | | | | | | | | |
| CA | Public CW | | | | | | | | | | X | | |
| | Ed | | | | | | X | | | | | | |
| | Domestic Violence | | | | | | X | | | | | | |
| CO | Public CW | X | | X | X | X | | | | | | | |
| CT | Private CW | | | | | | X | | | | | | |
| | Public CW | | X | | X | X | | | | | X | | |
| | Domestic Violence | | | | | | X | | | | | | |
| FL | Private CW | X | X | X | X | X | | | | | X | | |
| GA | Private CW | | X | | X | X | | | | | X | | |
| | Ed | | * | | * | | | | X | | | | X |
| | Domestic Violence | X | X | X | X | X | | | | | X | | |
| HI | Domestic Violence | | | | | | X | X | X | X | X | X | X |

* Possibly

TYPES OF INFORMATION AND WAYS OF PROVIDING IT

| State | Program Type | Type of Information Provided to Law Enforcement | | | | | | How Information is Provided | | | | |
|-------|-------------------|---|---------------|----------------|---------------------------|------------------|------|-----------------------------|-----------|----------------------------|---------------|-------------------------|
| | | Person Hiding Child | Missing Child | Family History | Location Runaway/ Missing | Potential Danger | None | Review Files | Directory | Full Info Specific Clients | Specific Info | Client Asked To Provide |
| MA | Public CW | | | | | | | | | | X | |
| | Domestic Violence | | | | | | | | | | X | X |
| MI | Public CW | | | | | | X* | X | | X | X | X |
| | Ed | | | | | | X | | | | | |
| | Hospital | | | | | | | | | | X | |
| MS | Public CW | | | | X | | | | | | X | |
| MO | Public CW | X | X | X | X | | | | | | x | |
| | Hospital | | | | | | X | | | | | |
| MT | Public CW | | | X | X | X | | | | | x | |
| NE | Public CW | X | X | X | X | | | | | x | | |
| | Domestic Violence | | | | | | X | | | | | X |
| NH | Ed | | | | | | | X** | | | | |
| NJ | Ed | | | | | | X | | | | X | |
| | Domestic Violence | | | | | | X | | | | X | X |

* unless child abuse case

** only if there is a court order

TYPES OF INFORMATION AND WAYS OF PROVIDING IT

| State | Program Type | Type of Information Provided to Law Enforcement | | | | | | How Information is Provided | | | | | |
|-------|-------------------|---|---------------|----------------|--------------------------|------------------|------|-----------------------------|-----------|----------------------------|---------------|-------------------------|---|
| | | Person Hiding Child | Missing Child | Family History | Location Runaway/Missing | Potential Danger | None | Review Files | Directory | Full Info Specific Clients | Specific Info | Client Asked To Provide | |
| ND | Domestic Violence | | | | | | X | | | | | | X |
| OH | Public CW | X | X | | X | | | | | X | X | | |
| OK | Domestic Violence | | | | | | | | | | X | | |
| OR | Public CW | X | X | X | X | X | | | | | X | | |
| | Domestic Violence | | | | | | X | | | | | | X |
| PA | Public CW | | | | | | | | | | X | | |
| | Ed | X | X | X | X | | | | | X | | | |
| | Hospital | X | X | X | X | X | | | | | X | | |
| | Domestic Violence | | | | | | X | | | | X | | X |
| RI | Public CW | | X | | X | X | | | | | X | | |
| | Hospital | | | | | | X | | | | | | |
| TN | Public CW | X | X | | | | | | | | X | | |
| TX | Hospital | | X | | X | | | | | | | | |
| UT | Ed | X | X | | X | | | | X | X | X | | |
| | Domestic Violence | | | | X | X | | | | | X | | X |
| VT | Ed | | | | | | X | | | | | | |

APPENDIX G
PROBLEMS ENCOUNTERED WITH
LAW ENFORCEMENT

AREAS PERCEIVED AS PROBLEMS BY SERVICE PROVIDERS

| State | Program Type | Problems Encountered When Interacting With Law Enforcement | | | | | |
|-------|-------------------|--|--------------------------|---|--|---|-------------------------|
| | | Request Info Agency is Prohibited From Sharing | Request Info After Hours | Not Sensitive to Operational Requirements | Reunification Would Endanger the Child | Officers are Slow Responding to Known Runaway | No Problems Encountered |
| CA | Domestic Violence | X | | X | X | | |
| CT | Public CW | | | | | x | |
| | Ed | X | | | X | | |
| | Domestic Violence | X | | | X | | |
| FL | Private CW | | | X | X | X | |
| GA | Private CW | X | | X | X | X | |
| | Domestic Violence | | | | | | X |
| HI | Domestic Violence | X | X | X | X | X | |
| ID | Public CW | X | | | | | |
| | Ed | X | | | X | | |

AREAS PERCEIVED AS PROBLEMS BY SERVICE PROVIDERS

| State | Program Type | Problems Encountered When Interacting With Law Enforcement | | | | | |
|-------|-------------------|--|--------------------------|---|--|---|-------------------------|
| | | Request Info Agency is Prohibited From Sharing | Request Info After Hours | Not Sensitive to Operational Requirements | Reunification Would Endanger the Child | Officers are Slow Responding to Known Runaway | No Problems Encountered |
| NJ | Domestic Violence | X | | X | | | |
| NC | Domestic Violence | X | X | | X | | |
| ND | Domestic Violence | X | | X | X | | |
| OH | Public CW | | | X | X | | |
| OK | Domestic Violence | X | X | X | X | | |
| OR | Public CW | | | | | | X |
| | Domestic Violence | X | X | X | X | | |
| PA | Public CW | X | | X | X | X | |
| | Ed | X | X | X | X | X | |
| | Domestic Violence | | | | | | X |

AREAS PERCEIVED AS PROBLEMS BY SERVICE PROVIDERS

| State | Program Type | Problems Encountered When Interacting With Law Enforcement | | | | | |
|-------|-------------------|--|--------------------------|---|--|---|-------------------------|
| | | Request Info Agency is Prohibited From Sharing | Request Info After Hours | Not Sensitive to Operational Requirements | Reunification Would Endanger the Child | Officers are Slow Responding to Known Runaway | No Problems Encountered |
| SD | Public CW | | | | | | X |
| TN | Public CW | | | | | | X |
| TX | Hospital | | | | | | X |
| UT | Ed | | | | | X | |
| | Domestic Violence | | | | | | X |
| VT | Ed | | | | | | X |
| VA | Ed | | | | | | X |
| VI | Public CW | | | | | X | |
| WA | Ed | | | | | | X |
| WV | Ed | | | | | | X |
| WY | Ed | | | | | | X |

AREAS PERCEIVED AS PROBLEMS BY SERVICE PROVIDERS

| State | Program Type | Problems Encountered When Interacting With Law Enforcement | | | | | |
|-------|-------------------|--|--------------------------|---|--|---|-------------------------|
| | | Request Info Agency is Prohibited From Sharing | Request Info After Hours | Not Sensitive to Operational Requirements | Reunification Would Endanger the Child | Officers are Slow Responding to Known Runaway | No Problems Encountered |
| IL | Public CW | | | | | | X |
| | Domestic Violence | X | X | X | | | |
| IN | Ed | | | | | | X |
| KS | Hospital | X | X | X | | | |
| | Domestic Violence | X | | | | | |
| KY | Public CW | X | | X | X | X | |
| MD | Public CW | | | | | | X |
| | Ed | X | | X | X | | |
| | Domestic Violence | X | | | | | |

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| MA | Private CW | X | | X | X | X | |
| | Public CW | | | X | | | |
| | Domestic Violence | | X | X | | | |
| MI | Public CW | X | | | X | | |
| MS | Public CW | X | | | | | |
| MO | Public CW | X | | | X | X | |
| NE | Domestic Violence | X | | | | | |
| NH | Ed | | | | | | X |