



# Access to Case Information

Effective CASA and DFCS collaboration ensures the the child, family, caregivers and professionals benefit from access to and exchange of critical information needed to meet the child's safety and well-being needs as well as the facilitation of permanency.

Effective collaboration provides timely access to information and minimizes unnecessary delays in service provision, case planning, and transitions; supports follow-up on assessment recommendations and reinforcement of case planning goals and progress; builds understanding for differing case recommendations; and provides for continuity and linkages in case history and progress lost during staff changes.

Effective collaboration increases the level of creativity and resources made available to a child's case and fosters the common goal of ensuring each child has a safe, permanent home.

## Authority to Access Records:

CASA volunteers (CASAs) are appointed as Guardians ad Litem and often in addition to a child's/GAL attorney;<sup>1</sup>

With the exception of the identity of the person who reported the abuse, records from the Office of the Child Advocate, and Department of Juvenile Justice, Georgia law allows GALs/CASAs access to all records and information relevant to a child's case to which he is appointed.<sup>2</sup> CASAs should regularly access case information in SHINES and paper files and not limited to CCFAs, other assessments, case plans, psychological evaluations, and diligent searches, as well as placement and provider information;

Georgia law and DFCS policy authorize DFCS to permit CASAs' access to all records, upon written request and presentation of an appointment order appointing CASA as GAL.<sup>3</sup> CASAs rely heavily on access to children and families' DFCS records to make an informed, independent assessment resulting in relevant, individualized recommendations;

While DFCS staff members are generally prohibited from disclosing protected health information contained in case records without a client's written consent, the CASA's appointment order provides an exception to the Health Insurance Portability and Accountability Act (HIPAA)'s disclosure regulations;<sup>4</sup>

CASAs have the ability to access confidential health, mental health, and education records of the child and respondents simply with their appointment orders, which require the release of such information;<sup>5</sup> and

For release of information relating to a diagnosis, prognosis, or treatment of drug and alcohol use, federal and state law provide strengthened confidentiality protections and either consent or a subpoena is required.<sup>6</sup>

<sup>1</sup> GAL status is granted via Paragraph 1 in the appointment order, referencing O.C.G.A. §§ 15-11-1104, 15-11-105, & 15-11-106, respectively

<sup>2</sup> O.C.G.A. § 15-11-105(e)

<sup>3</sup> OCGA § 49-5-41(c)(5); O.C.G.A. § 15-11-105e; DFCS Child Welfare Policy 1710 Court Appointed Special Advocate & Guardian Ad Litem (December 2014); DFCS Child Welfare Policy 2.5 Health Insurance Portability & Accountability Act (March 2015)

<sup>4</sup> 45 C.F.R. § 164.512e; DFCS Child Welfare Policy 2.5 Health Insurance Portability & Accountability Act (March 2015)

<sup>5</sup> OCGA § 15-11-41(a)(3)(D)

<sup>6</sup> 42 U.S.C. § 290dd-2(b); OCGA § 15-11-41(a)(2)

## Protecting Confidentiality:

CASAs have the ability to communicate directly with health care, mental health care, and other professionals involved with such child's case and to review case study and educational, medical, psychological, and other relevant reports relating to such child and the respondents;<sup>1</sup>

CASA volunteers must keep all records and information regarding the case confidential unless disclosure is ordered by the court;<sup>2</sup>

CASA's appointment order allows CASAs to share information, as needed with the parties of the case and Family Treatment Court personnel. As part of monitoring the case plan and court order and other ongoing advocacy efforts, CASAs are expected to share information related to the child's safety, permanency, and well-being; and

At the earliest possible time and prior to every court hearing, CASAs will share recommendations and/or the court report with DFCS and the other parties to avoid delays in addressing child's needs, support ongoing case planning and resolution, and resolve any case-related conflicts.

<sup>1</sup> O.C.G.A. §15-11-105(c)(5) & (6)

<sup>2</sup> O.C.G.A. §15-11-105(f)