

GATHERING & SHARING INFORMATION

QUICK-REFERENCE GUIDE | 02

OVERVIEW

Effective advocacy depends on access to timely, accurate, and complete information. As lay Guardians ad Litem, CASA volunteers possess broad legal authority to access records, communicate with professionals, and share information with the parties to a case. This ability to access information is foundational to CASA's ability to conduct an independent assessment and make informed, individualized best interest recommendations. Understanding the scope of the appointment order, how to exercise authority, and how to protect confidentiality are essential skills for every advocate.

AUTHORITY TO ACCESS RECORDS

CASA volunteers are appointed as Guardians ad Litem in addition to a child's attorney and have broad access to records as a result of that appointment.¹

With the exception of the identity of the person who reported the abuse and records from the Office of the Child Advocate and the Department of Juvenile Justice, Georgia law permits GALs (including CASA volunteers) access to all records and information relevant to a child's case to which they are appointed.²

Georgia law and DFCS policy authorize CASA volunteers to access to all records upon written request and presentation of an appointment order appointing CASA as GAL.³ CASA volunteers rely heavily on access to DFCS records to make an informed, independent assessment resulting in relevant, individualized recommendations.

CASA volunteers are permitted to communicate directly with health care, mental health care, education, court, and other professionals involved with a child's case and to review case study and educational, medical, psychological, and other relevant reports relating to the child and respondents (parents).⁴

¹ O.C.G.A. §§ 15-11-104, 15-11-105, and 15-11-106

² O.C.G.A. § 15-11-105(e)

³ O.C.G.A. § 49-5-41(c)(5); O.C.G.A. § 15-11-105(e); DFCS Child Welfare Policy 17.10, April 2026; DFCS Child Welfare Policy 2.5, September 2020

⁴ O.C.G.A. § 15-11-105(c)(5) and (6)

CASA volunteers shall receive notices, pleadings, and other documents required to be shared with parties and shall be notified of all hearings, staffings, investigations, depositions, mediations, tribunals, appeals, or significant changes in the child's circumstances, including pending placement moves, in the same manner as parties are notified.⁵

While providers are generally prohibited from disclosing protected health information without a client's written consent, a CASA's appointment order provides an exception to HIPAA's disclosure regulations.⁶ CASAs are permitted to access confidential health, mental health, and education records of both the child and respondents (parents) simply with their appointment order, which requires the release of such information.⁷

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 require either consent or a subpoena.⁸



PRACTICE POINTS

- Set early expectations with DFCS about access to the case file. At the initial introduction to the case manager, ask about the process for accessing records in Communicare and SHINES and establish a routine for file reviews. Approaching this step proactively and collaboratively reduces delays and builds the working relationship.
- Regularly access and review case information in SHINES and Communicare, including but not limited to CCFAs, other assessments, case plans, case manager contact logs, psychological evaluations, and diligent searches, as well as placement and provider information. Ask DFCS for any missing evaluations or information, such as an outdated case plan, an incomplete diligent search, or a referral without services rendered.
- Routinely review the court's file and CPRS to monitor progress on court orders.
- Talk to teachers, daycare workers, doctors, therapists, counselors, visitation center supervisors, and other professionals, in addition to the child's caregiver and parents, to gain a full picture of the case.
- When facing barriers to accessing records from a provider, school, or other professional unfamiliar with CASA's role, consider the following approach. Introduce yourself and your role, acknowledge the provider's responsibility to protect confidential information, and offer to share the appointment order. You might say, "*Are you familiar with CASA? Can I share about my role? I understand and respect your role in protecting this information; I want to make sure it's protected, too. I'd like to show you my appointment order that describes the permitted access to this information and how I'm prohibited from sharing it outside of court proceedings.*" This approach is collaborative rather than confrontational and often resolves the barrier quickly.
- Have the parent sign a release of information at the beginning of the case assignment to ensure access to substance use records, which carry heightened confidentiality protections and cannot be accessed by appointment order alone.

⁵ O.C.G.A. § 15-11-105(d)(1)

⁶ 45 C.F.R. § 164.512(e); DFCS Child Welfare Policy 2.5, September 2020

⁷ O.C.G.A. § 15-11-41(a)(3)(D)

⁸ 42 U.S.C. § 290dd-2(b); O.C.G.A. § 15-11-41(a)(2)

PROTECTING CONFIDENTIALITY & SHARING INFORMATION

Effective collaboration requires timely access to and sharing of information and minimizes unnecessary delays in implementing services, case planning, and transitions. It supports follow-up on assessment recommendations, reinforcement of case planning goals, and continuity of case history during staff changes. Collaboration with parties and their attorneys builds understanding of differing recommendations, increases the creativity and resources available to a child's case, and ensures the child, family, caregivers, and professionals have the information needed to meet the child's safety and well-being needs and facilitate successful permanency.

While CASA volunteers are granted broad access, they must keep all records and information regarding the case confidential unless disclosure is ordered by the court.⁹ Any CASA volunteer who discloses confidential information obtained during the course of their appointment in violation of law will be guilty of a misdemeanor.¹⁰

CASA volunteers must protect confidentiality; however, this obligation does not prevent CASA from sharing information with the parties of the case or with Family Treatment Court personnel. In fact, as part of monitoring the case plan and court orders and other ongoing advocacy efforts, CASA volunteers are expected to share information related to the child's safety, permanency, and well-being. A standing order can be entered by the court outlining this process.

Thus, at the earliest possible time and prior to every court hearing, CASA will share recommendations and their court report with DFCS and the parents' and children's attorneys to avoid delays in addressing the child's needs, support ongoing case planning and progress, and resolve any case-related conflicts.

If a non-party such as a foster parent, relative, law enforcement, or district attorney seeks to access CASA's file or requests that the CASA volunteer testify, the non-party must acquire a court order authorizing disclosure. A subpoena alone is insufficient.



PRACTICE POINTS

- When in doubt about whether sharing information is appropriate, consult with CASA staff before disclosing.
- Routinely share information you have gathered with the case manager, the child's attorney, and the parents' attorneys.
- Maintain awareness of who is and is not a party to the case. Remember that CASA cannot share information with foster parents or relatives unless or until they have been legally joined as a party after the court has granted intervention.
- If law enforcement, a district attorney, a youth's probation officer, or any other professional outside the juvenile court dependency case requests information from you, do not share it and direct them to CASA staff.
- Should you receive a subpoena related to your case, notify CASA staff immediately.
- Be especially careful about sharing information in informal settings, such as hallway conversations before hearings, where nonparties may be present.

⁹ O.C.G.A. § 15-11-105(f)

¹⁰ O.C.G.A. § 15-11-105(g)



CASA

Court Appointed Special Advocates
FOR CHILDREN

GEORGIA