

Allegheny County Department of Human Services Office of Children, Youth and Families (CYF)

Current as of February 2014

CYF 013 – CYF Client Confidentiality

Client Confidentiality is protected by a long list of Federal and State Laws/Statutes, Regulations, and Program Guidance. This is the state regulation that specifically mentions CYF family case records.

Commonwealth of Pennsylvania, Pennsylvania Code, Title 55. Public Welfare, Department of Human Services, Chapter 3130. Administration of County Children and Youth Social Service Programs

(PA Code hyperlink) <http://www.pacode.com/secure/data/055/chapter3130/s3130.44.html>

55 PA Code § 3130.44. Confidentiality of family case records.

(a) Information that may be used to identify the child or the parents by name or address, and information contained in the case record, is confidential. A staff person may not disclose or make use of information concerning the child or the parents other than in the course of the performance of his duties.

(b) Federal authorities, the Commonwealth and the Department or respective authorized agents officially charged with administrative supervision, review, evaluation or audit responsibilities may have access to and the right to use information identifying applicants for and recipients of children and youth services. The information shall be necessary to carry out the mandated functions of the agency and may not be protected by a specific law, such as 23 Pa.C.S. § § 6301—6384 (relating to the Child Protective Services Law).

(c) Members of the administrative review panels, volunteers, another county agency and other providers of services to children and families who are accepted for service by the county agency may have access to and the right to use information identifying recipients of children and youth services. The amount and type of information to be released shall be determined by the county agency and shall be limited to information needed by the service provider to carry out its responsibilities. The decision to release information shall be based on the county agency's assessment of the individual case record and the responsibilities of a service provider. Information released may include part or all of the case record.

(d) Information contained in case records shall be released upon request to:

(1) Parents and legal guardians.

(2) Children's and parents' attorneys.

(3) The court and court staff.

(4) County executive officers.

(5) The child, if 14 years of age or older. The county agency may withhold information from a child which it has reason to believe it will be harmful to the child. The basis for withholding information from a child shall be recorded in the child's case record.

(e) Information in case records may not be released to a person or agency other than those specified in subsections (b)—(d) without prior authorization of the court.

(f) Information from a case record may be made available only if the information released does not contain material which violates the right to privacy of another individual or is protected or made confidential by law. This may not be construed to protect the right to privacy of a county agency employee.

(g) Except as limited by subsection (h), the county agency may use or authorize the use of information contained in the case records for teaching or research, if the teaching or research does not include names or other information which may directly or indirectly identify persons involved in the case. The county agency administrator shall approve or disapprove, in writing, requests from persons not employed by the county agency who wish to use agency case records for teaching or research purposes.

(h) To the extent that information contained in the family case record is protected by 23 Pa.C.S. Part III (relating to the Adoption Act), 23 Pa.C.S. § § 6301—6384 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services), access to and release of information shall be under the statutes and regulations.

Authority

The provisions of this § 3130.44 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. § § 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3130.44 amended January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial pages (75142) to (75143).

Cross References

This section cited in 55 Pa. Code § 3490.242 (relating to confidentiality).