

## **PROCEDURE XIII-A3: Information Disclosure on True Findings**

098/20134

### CONFIDENTIALITY

Information on a completed true investigation is confidential and it remains confidential even after disclosure made under the conditions listed below. The party releasing the information will notify, either verbally or in writing, any person receiving it that information on a completed true investigation is confidential and may not be shared with others.

The following exceptions exist:

- A. A person or entity may consult his own attorney about the aforementioned information.
- B. A subject of a report may disclose any information contained in the report.

### DISCLOSURE-GENERAL

As designated by Arkansas Code Ann. § 12-18-909, the Child Maltreatment Central Registry may provide information, including protected health information and the administrative hearing decision, on a completed true investigation when requested by:

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- A. A person or agency that provides services such as medical examination of, an assessment interview with, diagnosing, caring for, treating, or supervising either a victim of maltreatment, a juvenile offender, or an under aged juvenile offender;
- B. The administration of the adoption, foster care, children's and adult protective services programs, or child care licensing programs of any state;
- C. Any government entity having a need for the information in order to carry out its responsibilities under law to protect children from abuse or neglect;
- D. The alleged offender;
- E. A civil or administrative proceeding connected with the administration of the Arkansas Child Welfare State Plan when the court or hearing officer determines that the information is necessary for the determination of an issue before the court or agency;
- F. An audit or similar activity conducted in connection with the administration of such a plan or program by any governmental agency that may by law conduct the audit or activity;
- G. A person, agency, or organization engaged in a bona fide research or evaluation project having value as determined by the Division in future planning for programs for maltreated children or in developing policy directions;
- H. The responsible multidisciplinary team;
- I. Child abuse citizen panels;
- J. Child fatality review panels;
- K. The current foster parents of a child who is a subject of a report;
- L. The attorney ad litem of the of the alleged victim or offender;
- M. The court appointed special advocate of the alleged victim or offender;
- N. The Department of Human Services;
- O. Any licensing or registering authority, to the extent necessary to carry out its official responsibilities;
- P. Any person or entity to whom notification of the allegation was provided;
- Q. Any school superintendent, principal, or a person in an equivalent position, or the Department of Education to the extent necessary to carry out its responsibility to ensure that children are protected while in the school environment or during off-campus school activities;
- R. Law Enforcement;
- S. The prosecuting attorney's office;
- T. A grand jury or court upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury;
  - 1) The grand jury or court may disclose it to parties to a legal proceeding upon a finding that the report is necessary for the presentation of a party's complaint or defense and under such terms of af protective order ~~that the court orders issued by the court;~~

- U. Individual federal and state legislators, and their authorized staff members acting in their official capacities, who agree to keep the information confidential.

No disclosure may be made to any committee or legislative body.

Information that identifies the person who made the report will be disclosed by the Division only if:

- A. A court reviews the record related to that report and determines that the reporter knowingly made a false report, and then orders the release of this information.
- B. Requested by the prosecuting attorney or law enforcement.

#### DISCLOSURE-LIMITED

The Child Maltreatment Central Registry may release only limited information to the following:

- A. The Division of Child Care and Early Childhood Education of the Department of Human Services and the child care facility owner or operator who requested the Child Maltreatment Central Registry information through a signed notarized release from an individual who is a volunteer, has applied for employment, is currently employed by a child care facility, or is the owner or operator of a child care facility.
  - 1) This disclosure shall be for the limited purpose of providing Child Maltreatment Central Registry background information and shall indicate a true finding only;
- B. An employer or volunteer agency for purposes of screening an employee, applicant, or volunteer who is or will be engaged in employment or activity with children, the elderly, individuals with disabilities, or individuals with mental illness upon submission of a signed, notarized release from the employee, applicant, or volunteer.
  - 1) The Registry shall release only the following information on true reports to the employer or agency:
    - a. That the employee, applicant, or volunteer has a true report.
    - b. The date the investigation was completed.
    - c. The type of true report.

## **PROCEDURE XIII-A4: Information Disclosure on Screened Out and Unsubstantiated Reports**

08/2013

### CONFIDENTIALITY

Information on a screened out or unsubstantiated report is confidential and it remains confidential even after disclosure made under the conditions listed below.— DCFS will notify any person receiving information that information on a screened out or unsubstantiated report is confidential and may not be shared with others; the only exception being that a person or entity can consult his own attorney about information contained in any notice provided by the Division.

Information that identifies the person who made the report will be disclosed by the Division only if:

- A. A court reviews the record related to that report and determines that the reporter knowingly made a false report, and then orders the release of this information.
- B. Requested by the prosecuting attorney or law enforcement.

### DISCLOSURE: UNSUBSTANTIATED REPORTS

In accordance with Arkansas Code Ann. § 12-18-910, an unsubstantiated report, including protected health information and the administrative hearing decision, shall be confidential and shall be disclosed only to:

- A. The prosecuting attorney
- B. A subject of the report
- C. Law enforcement
- D. Any licensing or registering authority to the extent necessary to carry out its official responsibilities;
- E. Adult protective services
- F. The Division of Developmental Disabilities Services and the Division of Aging and Adult Services as to participants of the waiver program
- G. A court appointed special advocate upon presentation of an order of appointment for a child who is a subject of a report
- H. The attorney ad litem of a child who is the subject of a report
- I. Any person or entity to whom notification was provided under this chapter
- J. A grand jury or court upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury
  - 1) The grand jury or court may disclose it to parties to a legal proceeding upon a finding that the report is necessary for the presentation of a party's complaint or defense and under such terms or protective order that the court orders
- K. Acting in their official capacities, individual United States and Arkansas senators and representatives and their authorized staff members but only if they agree not to permit any re-disclosure of the information

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No disclosure may be made to any committee or legislative body.

### DISCLOSURE: SCREENED-OUT REPORTS

Any record of a screened-out report of child maltreatment shall not be disclosed except to the prosecuting attorney and law enforcement and may be used only within the Division for purposes of administration of the program.