

Division of Children and Family Services Protection and Safety Procedure # 4-2016	
Regarding:	Requests to Release Information
Date Effective:	2/17/16
Contact:	Steve N. Wilson, steve.n.wilson@nebraska.gov or 402-416-6193 Sherri Haber, sherri.haber@nebraska.gov or 402-471-7989
Issue by:	Douglas J. Weinberg, Director, Division of Children and Family Services

Philosophy:

The Division of Children and Family Services (DCFS) values the confidentiality of children and families. It is important to ensure that information shared with others is consistent with state and federal laws and is not harmful or detrimental to the child.

Procedure:

The Division of Children and Family Services receives a variety of requests for information. The majority of information requests are received and processed in Central Office. When the CFS Specialist receives a request for any of the following information the guidance provided will be followed. If there are any questions as to whether or not information can be shared, please contact DHHS Legal.

1. **Probation Requests** – When requests for information are made by the Office of Probation:
 - a. The CFS Specialist will review the request to determine if the criteria in Neb. Rev. Statute 28-726(10) is met.
 - i. The request must come from a probation officer administering juvenile intake services, conducting court-ordered pre-dispositional investigations prior to disposition, or supervising a juvenile upon disposition.
 - b. The CFS Specialist will determine which records are requested, and for what period of time. Records will be provided as soon as possible, but no later than 30 calendar days from the date of the request.
 - i. The CFS Specialist may only provide information regarding the youth who is on Probation.
 - c. The CFS Specialist will provide the following information. This may include information on family members included in the work products created by DCFS

staff. This does not include documents provided to DCFS by third parties on parents or siblings.

- i. Intakes;
 - ii. Structured Decision Making (SDM) assessments;
 - iii. Narratives;
 - iv. Court reports; and
 - v. Other documents in correspondence.
- d. The CFS Specialist will **not** share the following information:
- i. Any information, other than what is stated above, about other children, stepparents, safety plan participants, foster parents, etc. These documents must be removed/redacted before the material is sent.
 - ii. Under Neb. Rev. Stat. 28-722, the Department cannot release reporting party information as part of the intakes or investigatory information and shall not release information that would be harmful or detrimental.

2. **Out-of-State Intake/Investigation Information**

The CFS Specialist may release DHHS documents to other CPS or Law Enforcement agencies from other states conducting an investigation involving child or adult abuse without a Protective Order. All other entities must have a Protective Order signed by a judge.

- a. No information can be provided without a written request. The request must be on the agency letterhead, contain the contact information for the person and agency making the request, and the reason for the request. It must contain identifying information about the individuals including full names, birthdates, and if possible, social security numbers.
 - b. The only information CFS will provide pertains to investigations and assessments completed by CFS Specialists including intakes, SDM assessments and sometimes narratives. If the requesting state requests copies of court orders, these are public record and can be provided from the closed file, Nebraska Data Exchange Network (NDEN) or court orders scanned into N-FOCUS.
 - c. No information is provided from third party providers such as psychologists, psychiatrists, medical providers, substance abuse programs, etc. If there is a current release of information form signed by the client, the contact information for these providers can be shared.
3. **Central Registry** - Upon written request, an individual, or the guardian or guardian ad litem of the individual whose name is on the Central Registry is entitled to receive a copy of all information contained in the Central Registry pertaining to his or her case. The Central Registry contains records of all reports of child abuse or neglect opened for investigation and classified as either court or agency substantiated.

An individual whose name has been placed on the central registry shall, upon written request, be entitled to all intakes received related to that central registry finding and the

investigation information that led to the individual being placed on the registry. This includes reports from Law Enforcement, when the information contained in those reports was utilized to make the determination. Under Neb. Rev. Stat. 28-722, the Department cannot release reporting party information as part of the intakes or investigatory information and shall not release information that would be harmful or detrimental.

4. **Other Requests:** When the CFS Specialist or others receive any other requests for information, Central Office must be contacted in order to provide technical assistance and additional instruction.

References

Neb. Rev. Statute 28-726(10)

Neb. Rev. Statute 29-2260.01

Neb. Rev. Statute 28-718

Neb. Rev. Statute 28-722