

## INFORMATION SHARING

**§ 7B-302. Assessment by director; access to confidential information; notification of person making the report.**

...

(e) In performing any duties related to the assessment of the report or the provision or arrangement for protective services, the director may consult with any public or private agencies or individuals, ...

### **10A NCAC 70A .0113 CONFIDENTIALITY OF COUNTY DSS PROTECTIVE SERVICES RECORDS**

...

(b) The county director in carrying out his duties may share information and a summary of documentation from the case record without a court order with public or private agencies or individuals that are being utilized to provide or facilitate the provision of protective services to a child.

...

**NC Child Welfare Services Manual, Vol. 1 "Children's Services," Ch. VIII "Child Protective Services," Section 1428 "Confidentiality and Release of Information"**

[http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/Table\\_of\\_Contents.pdf](http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/Table_of_Contents.pdf)

## II. INTERAGENCY SHARING OF INFORMATION ABOUT JUVENILES

B. When giving or receiving assistance with a case, the agency may share oral or written information with the following:

1. Law enforcement officers - when being asked to assist in CPS assessments or when the county director informs them about reports of abuse;
2. The prosecutor - when responding to reports of confirmed abuse; or when providing a summary for a review requested because a petition was not filed; or when necessary to carry out his mandated responsibilities;
3. The court - when an evaluation report is required for a dispositional hearing or at the time of a scheduled review. N.C.G.S. § 7B-801 enables the court to be open for adjudicatory hearings regarding juveniles unless the judge determines that the court should be closed.
4. Public and private mental health providers - when necessary to assist in CPS assessments or CPS In-Home or Out-of-Home services;
5. Public and private health care providers - when necessary to assist in CPS assessments or CPS In-Home or Out-of-Home services;
6. Multidisciplinary teams - such as the Child and Family Teams, Child Fatality Review Team, the Community Child Protection Team, and the Child Fatality Prevention Team that provide case

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consultation on child abuse, neglect, dependency, or fatalities. (Other agencies such as Mental Health, the Juvenile Court, and schools have multidisciplinary teams as well);

7. Institutional staff - who may be assisting in a CPS assessment or preparing In-Home Family Services Agreements; ...

## **§ 7B-3100. Disclosure of information about juveniles.**

(a) The Division, after consultation with the Conference of Chief District Court Judges, shall adopt rules designating certain local agencies that are authorized to share information concerning juveniles in accordance with the provisions of this section. Agencies so designated shall share with one another, upon request and to the extent permitted by federal law and regulations, information that is in their possession that is relevant to any assessment of a report of child abuse, neglect, or dependency or the provision or arrangement of protective services in a child abuse, neglect, or dependency case by a local department of social services pursuant to the authority granted under Chapter 7B of the General Statutes or to any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent and shall continue to do so until the protective services case is closed by the local department of social services, or if a petition is filed when the juvenile is no longer subject to the jurisdiction of juvenile court. Agencies that may be designated as "agencies authorized to share information" include local mental health facilities, local health departments, local departments of social services, local law enforcement agencies, local school administrative units, the district's district attorney's office, the Division of Juvenile Justice of the Department of Public Safety, and the Office of Guardian ad Litem Services of the Administrative Office of the Courts, and, pursuant to the provisions of G.S. 7B-3000(e1), the Section of Community Corrections of the Division of Adult Correction of the Department of Public Safety. Any information shared among agencies pursuant to this section shall remain confidential, shall be withheld from public inspection, and shall be used only for the protection of the juvenile and others or to improve the educational opportunities of the juvenile, and shall be released in accordance with the provisions of the Family Educational and Privacy Rights Act as set forth in 20 U.S.C. § 1232g. Nothing in this section or any other provision of law shall preclude any other necessary sharing of information among agencies. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of a district attorney.

(b) Disclosure of information concerning any juvenile under investigation or alleged to be within the jurisdiction of the court that would reveal the identity of that juvenile is prohibited except that publication of pictures of runaways is permitted with the permission of the parents and except as provided in G.S. 7B-3102.

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## **14B NCAC 11A .0301 DESIGNATED AGENCIES AUTHORIZED TO SHARE INFORMATION**

The following agencies shall share with one another upon request, information in their possession that is relevant to any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined or delinquent:

- (a) The Department of Juvenile Justice & Delinquency Prevention;
- (b) The Office of Guardian Ad Litem Services of the Administrative Office of the Courts;
- (c) County Departments of Social Services;
- (d) Area mental health developmental disability and substance abuse authorities;
- (e) Local law enforcement agencies;
- (f) District attorneys' offices as authorized by G.S. 7B-3100;
- (g) County mental health facilities, developmental disabilities and substance abuse programs;
- (h) Local school administrative units;
- (i) Local health departments; and
- (j) A local agency designated by an administrative order issued by the chief district court judge of the district court district in which the agency is located, as an agency authorized to share information pursuant to these Rules and the standards set forth in G.S. 7B-3100.

## **14B NCAC 11A .0302 INFORMATION SHARING AMONG AGENCIES**

- (a) Any agency that receives information disclosed pursuant to G.S. 7B-3100 and shares such information with another authorized agency, shall document the name of the agency to which the information was provided and the date the information was provided.
- (b) When the disclosure of requested information is prohibited or restricted by federal law or regulations, a designated agency shall share the information only in conformity with the applicable federal law and regulations. At the request of the initiating designated agency, the designated agency refusing the request shall inform that agency of the specific law or regulation that is the basis for the refusal.