

## **Ten Commandments: Confidentiality and Child Protective Services**

I. Thou (the county social services department) shall disclose, upon request by any person, any information in thy records *unless* applicable state or federal laws provide otherwise, for thou shalt honor the state's Public Records Law even if it is the exception rather than the rule.

II. When deciding whether information may or must be disclosed, thou shalt read carefully all of the applicable state and federal laws.

III. If applicable state or federal law provides that certain information is confidential or privileged, thou may not use or disclose the information unless allowed or required to do so by applicable state or federal law, for thou must comply with the confidentiality requirements of state and federal law.

IV. Thou shall remember that even when a state or federal law provides that certain information is confidential, there are always exceptions to the rule.

V. Thou may (unless specifically prohibited by applicable state or federal law) use, share, or disclose confidential or privileged information to the extent necessary to perform thy responsibilities related to the protection of abused, neglected, or dependent juveniles.

VI. Thou may (almost always) disclose confidential or privileged information with the written consent of the individual to whom the information pertains (or that individual's authorized representative).

VII. If thou receivest a subpoena for confidential or privileged information, thou shalt file a motion to quash the subpoena unless the information must or may be disclosed under applicable state or federal law.

VIII. Thou must disclose confidential or privileged information if required to do so pursuant to a valid court order, but generally should advise the court that the information is confidential or privileged, request the court to conduct an *in camera* review of the information, request that the court not order disclosure unless the need for disclosure clearly outweighs the interests with respect to maintaining confidentiality, and that the court impose appropriate restrictions regarding the use or redisclosure of the information.

IX. When thou art authorized or required to disclose confidential or privileged information, thou shalt disclose only as much information as is necessary to be disclosed under the circumstances.

X. When some information in a record may or must be disclosed and other information may not be disclosed, thou shalt redact the information that may not be disclosed and disclose the information that must or should be disclosed.