



Effective Date: 4/04/1989 Revision Dates: 11/1/1992, 2/26/2026	Responsible Administrator: Kim Warren, Program and Resource Administrator
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## Policy 103 Confidentiality & Consent to Release Information

### A. POLICY

The Division is responsible for safeguarding clients' privacy by protecting the confidentiality of client records and ensuring that active consent to release information is maintained in each case file. The Division will protect confidential information and inform clients of their rights. Consent is voluntary and may be revoked at any time.

Information is defined as any item, collection, or grouping of data that includes an individual's name, identifying number, symbol, other identifying characteristics, or any unique combination of information that makes the individual identifiable as if a name had been affixed.

Prior to obtaining or releasing any client information, written consent signed by the client is required. The Division will comply with Department Policy 205 and utilize the authorized release of information form.

Confidential information may be shared among department employees without a consent to release when employees are actively working with the same client and the sharing of information is necessary to coordinate services.

Exceptions may apply during a child abuse or neglect investigation when a parent is unavailable or uncooperative and the child is determined to be at significant risk.

Confidentiality requirements specific to reporter identity and DELJIS are outlined in separate policies.

Policy References: <a href="#">DSCYF Policy 205 Confidentiality of Client Records</a> DFS Policy 202 Confidentiality of Reporter Identity and Report Line Recording DFS Policy 611 DELJIS
Legal References: <a href="#">USC Title 42 §290dd-2 Confidentiality of records</a> ; <a href="#">Title 5 §552a. Records maintained on individuals</a> ; <a href="#">Title 20 §1439. Procedural safeguards</a> ; <a href="#">CFR title 34 § 303.401 Confidentiality and opportunity to examine records</a> ; <a href="#">42 CFR § 51a.6 What confidentiality requirements must be met?</a> ; <a href="#">Public Law 104-191 Section 1128C(a)(3)(B)(ii) Confidentiality</a> ; <a href="#">42 CFR Part 2.16 Security for records and notification of breaches</a> .

## B. PROCEDURES

1. The caseworker conducting an initial assessment will request that a parent, custodian, or guardian sign the [Authorization for Release of Information form](#). The caseworker will explain the purpose for obtaining consent. See DSCYF Policy 205 Confidentiality of Client Records.
2. The caseworker will obtain a separate form for each family member.
3. If case circumstances are such that consent cannot be obtained (parents whereabouts unknown, parent refusal, and child at significant risk), and information is needed immediately and the case is in investigation or the initial assessment, information may be obtained and shared. Information may also be shared during treatment when communication is with a Federal, State or local governmental entity that is also responsible to under law to protect children from abuse or neglect (Attorney General's Office, police, courts and Public Health).
4. The caseworker may also review and copy records that are available to them from other DSCYF agencies regarding children in the care, supervision, protection or custody of DFS and the parents or other caregiver of the child.
5. If the client cannot read, the caseworker will read the consent form to the client. An independent witness must be present and should sign the consent as a witness.
6. The caseworker may share information about children in DFS custody on a need-to-know basis with foster families and medical personnel treating the child.
7. The caseworker will ensure that the client understands why the consent form is needed, what persons or agencies will be contacted and how the information will be used. The caseworker will not pressure the parent, custodian, or guardian to sign the consent.
8. Information about substance abuse treatment, sexually transmitted diseases and HIV/AIDS is **specifically protected** and cannot be released without a properly signed consent.
9. The client should specify on the consent form any collateral sources who are not to be contacted.
10. The consent form will be valid for a period no longer than six (6) months or upon case closure, whichever date comes first. If the form expires while a case is active with the Division, the assigned caseworker will request another form by signed.
11. If a parent, custodian, or guardian refuses to sign a consent form, the caseworker will contact their supervisor or the designated regional Deputy Attorney General to determine what action may be taken to receive or

release information. The agreed upon action will be documented on a FOCUS note.

12. If consent is revoked and the caseworker needs information about the child/family, the caseworker will contact their supervisor or regional Deputy Attorney General to discuss options for acquiring the information. The options will be documented in a FOCUS note.
13. The signed consent form will be shared with individuals from whom the Division is requesting information.

**C. FOCUS**

1. The signed consent forms will be scanned into FOCUS and attached to the consent record within the case.
2. The assigned caseworker will create a consent record within the case. This record is also loaded on the person type client.

**D. FORMS** Use the DFS policy website to access any forms:

<https://kids.delaware.gov/policies/dscfy-policies>

1. Authorization for Release of Information Form  
<https://kidsfiles.delaware.gov/policies/dscyf/dsc205-release-of-information-form.pdf>.