

# LEGISLATIVE RESEARCH SERVICES

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## Office of Children's Services Screened Out Reports

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***Does statute, regulation, or policy prohibit the Office of Children's Services (OCS) from sharing information with other social service providers or tribal entities on screened out protective service reports? If OCS was allowed to share such information, would its information technology system be an impediment? Does OCS believe sharing information on screened out families is a good idea?***

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Christy Lawton, director, Office of Children's Services (OCS), provided a response to the above-listed questions regarding protective service reports received by her agency that were screened out.<sup>1</sup> A screened out report is one that does not rise to a level of concern sufficient for OCS to remain involved with the family.

Below we provide the questions we put to Director Lawton (in bold) along with her response. She is happy to discuss with legislators or staff further questions regarding this or other OCS matters.

- 1. What prohibits OCS from sharing information on screened out families? Is it statute, regulation, or policy? If so, please provide the citation that indicates such information cannot be shared. If statutes, regulations, and policies are silent on this, please indicate so.**

Currently AS 47.10.093 Disclosure of Agency Records restricts the sharing of all child protection information unless the disclosure falls into one of the enumerated exceptions. Further, 7 AAC 54.020 outlines that child protection information is to be safeguarded. In all circumstances, 7 AAC 54.040 requires that the Department of Health and Social Services follow HIPAA (Health Insurance Portability and Accountability Act) in the sharing of information. 7 AAC 54.080 requires that a parent sign a release of information before their information or information pertaining to their child (not in custody) can be shared for the purposes of providing services. When protective service reports are screened out, neither the child nor the parents are subject to the jurisdiction of the court. In

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<sup>1</sup> Director Lawton can be reached at (907) 269-7332.

those circumstances, a release of information or court order is necessary to release information to service providers.

OCS does share reports of harm, including screen outs, with tribes and tribal organizations where the child is a member of the tribe or eligible for membership. This is based on the tribe's inherent authority to adjudicate child protection matters for their member children and their status as sovereign nations eligible to receive reports of harm.

**2. If OCS *was* allowed to share such information, would your information technology/data processing system be an impediment? (The requestor understands that in some jurisdictions this may be an issue.)**

Should the law change to explicitly allow for the sharing of such information with third party providers without the knowledge or consent of the subject of the information, technology would not be an impediment. There may be some cost associated with the administrative process depending on demand. There will be sizable cost increases if there is a significant change in policy such as the creation, implementation and maintenance of a differential response program.

**3. Do you believe allowing OCS to share contact information on screened out cases with other social service entities or tribes is a good or bad idea? Please explain.**

Certainly anything that could help to prevent abuse and neglect of children is a good thing from a social work perspective. Other interested groups may have a different opinion about how to do that and whether or not the sharing of screened out reports with service agencies is the appropriate way to accomplish that goal.

We hope this is helpful. If you have questions or need additional information, please let us know.