

## Confidentiality and the CASA Volunteer

When you perform the duties assigned to a CASA volunteer, you will be responsible for understanding just what is meant by confidentiality. As a CASA volunteer, you have access to confidential information about children and the people involved in those children's lives. The CASA volunteer may not release this information except to the child, CASA program staff, the attorney(s) on the case, the caseworker, the court, and others as instructed by law or local court rule.

There are strict guidelines about who can have access to confidential information. By law, CASA volunteers must keep all information regarding the case confidential and make no disclosure, except by court order or unless provided by law. Mistakes in handling confidential information can be detrimental to the children involved and can bring criminal action against the people who misuse the information. When in doubt, discuss any confidentiality concerns with your supervisor!

**What information should the volunteer share with the child?** It is expected that the volunteer develop a meaningful relationship with the child in order to make sound, thorough, and objective recommendations in the child's best interest. The volunteer also ensures that the child is appropriately informed about relevant case issues, considering both the child's age and developmental level. The child is informed in an age-appropriate manner of impending court hearings, the issues to be presented, the recommendations of the volunteer, and the resolution of those issues. If there is any question about what information should be shared with the child, ask your supervisor.

**What is confidential?** As a CASA volunteer, you must regard as confidential any information that the source deems confidential. If any source from which you obtain information requires you to show the court order of appointment or inquires about why you are entitled to get such information, you should respectfully produce your court order and photo identification. Your appointment order gives you the authority to obtain a great deal of information that is, in fact, confidential. Child Protective Services records are confidential and are not available for public inspection. It is especially important that the name of any person who has made a report of suspected child abuse and/or neglect not be revealed. School records are also confidential. There are legal privileges that protect attorney/client, doctor/patient, priest/parishioner, psychologist/patient, and caseworker/client communications. Such communication, whether verbal or written, is all confidential and must remain so unless a court order specifically states otherwise.

You are not allowed to share information with anyone other than the child, CASA Program staff and attorney(s), the caseworker, and the court unless a local or state order allows for a broader sharing of information. You need not treat as legally confidential conversations with neighbors and friends who voluntarily give information. Also, if you speak with a teacher who is not providing confidential school records, but rather sharing impressions, these impressions would not be confidential unless the teacher requested that they be kept as such. This information, although not legally confidential, is still private and should not be shared except on a "need to know" basis,

and then only with those people who need the information to better serve the child. An example would be sharing a previous teacher's positive impressions of the child with a new teacher in order to increase the teacher's sensitivity toward the child during a difficult time.

**Should you tell a source that you intend to share their information?** There does not appear to be any legal requirement that you disclose to a source your intent to share information. It is important to be respectful of the source and to be honest about your intentions with regard to the use of the information. You can never promise that you will not share the information received.

**Sharing information with foster parents.** As a CASA volunteer, you are not the foster parents' source of information about the child's case nor are you their advocate. Your job is to focus on the child's needs. It is your obligation to keep your child informed about the case, but it is not your duty to keep the foster parents informed. Foster parents may seek information from you about the children in their care, but foster parents' contractual relationship is with the child protective services agency or a private licensing agency.

In order to provide adequate care, foster parents do need to know relevant information regarding the child. In fact, federal law requires that the child protective services agency provide the foster parent with the child's health and education records at the time of placement. The records should be updated periodically and each time the child is moved to another placement. These records must include, at a minimum, the following:

- Names and addresses of the child's healthcare provider and school
- The child's immunization record, known medical problems, and medications
- The child's school record with current grade level performance
- Other relevant health and education information (e.g., behavioral problems and/or disabilities)

There may be instances, however, where you have information that would help a foster parent care for a child. Suppose, for instance, that you know the child has a history of sexual victimization and that he/she has been moved from an earlier foster home after being found in bed with a younger child. The current foster parent does not have this information and there is another young child in the home. In such a case, it is clearly in the best interest of both the child and other children in the home that this information be shared. After discussing the issue with staff to determine the best approach, you should contact the caseworker and state a clear expectation that this critical background information be shared with the current foster care provider. As a CASA volunteer, you should not share this information yourself.

Volunteer Training Curriculum, The National CASA Association