

# CASA of Iowa Confidentiality Policy

## Introduction

Preserving the privacy rights of citizens and maintaining the confidentiality of personal information is a major concern in many segments of society. Because of the sensitive nature of CASA (Court Appointed Special Advocate) work, these concerns are even more critical for CASA programs. A breach in confidentiality can cause irreparable harm to the child and family involved. It can poison working relationships between CASA and the professional community and cast doubt on the value of the program. In Iowa, violation of confidentiality laws constitutes a simple misdemeanor under Iowa Code § 237.21.

For these reasons, it is important that CASA of Iowa staff and volunteers are clear about what is meant by confidentiality in this context. Something as simple as discussing a case in the hall, the elevator, or the bathroom, or leaving information on the coffee table at home can have unforeseen consequences.

Violation of confidentiality (intentional or unintentional) may be cause for disciplinary action, up to and including immediate dismissal from the CASA program and all Iowa Child Advocacy Board (ICAB) programming.

## Policies and procedures

CASA of Iowa staff and volunteers shall adhere to the following guidelines with respect to maintaining confidentiality and respecting the privacy of others in all matters relating to an assigned case. The guidelines govern circumstances in which information is requested and received. However, these guidelines cannot cover every possible situation that may arise. Any questions and/or concerns regarding confidentiality or the application of this policy should be discussed with the immediate supervisor (i.e. local coordinator for advocates and coaches).

1. When sworn in, all trained volunteers shall take an oath of confidentiality.
2. When requesting information during the course of a case investigation, there may be a need to obtain information from doctors, psychiatrists, psychologists, social workers, attorneys, clergy, teachers, or other professionals who have a protected relationship status with a party or the child. For the child, the Order Appointing CASA allows court-appointed advocates, coaches and staff access to information and records from the above-mentioned professionals. The professional has no authority to provide any information regarding the child/ren without the court's order appointing CASA or the express permission of the parent/guardian.

3. Pursuant to Iowa Code §235A.15 and §235A.17, staff and volunteers shall maintain all information received from the child abuse registry or assessment report as confidential and shall not disseminate such information except when the re-dissemination is in connection with official duties, and the person receiving the information would have independent access to the same information under §235A.15.
4. If it is necessary to obtain any privileged/confidential information about someone who is directly related to the case but is not the child(ren), the volunteer or staff member must obtain from that person a written release of information which allows the professional or agency to discuss the matter with CASA.
5. The CASA volunteer should disclose confidential information learned during the course of their investigation:
  - a. With CASA staff members or CASA coaches who must be provided all significant case specifics known to the case,
  - b. When ordered by the judge to provide testimony in a juvenile court hearing
  - c. When ordered by a non-juvenile court judge to provide testimony in alignment with *4.3 Non-Juvenile court subpoena of records and testimony* protocol found on pages 14-15 of the CASA of Iowa Local Program Policy Manual.
6. The CASA volunteer must disclose confidential information to the CASA Program Coordinator and the Department of Human Services (DHS) when they have reasonable cause to believe that a child has suffered abuse or neglect.
7. Outside of these circumstances, the disclosure of case information is authorized at the following times and to the persons outlined below:
  - a. A CASA volunteer may release any relevant information in their report to the juvenile court.
  - b. Iowa Code §237.21 (3), A CASA volunteer may attend family team decision-making meetings or youth transition decision-making meetings upon request by the family or child and disclose case-related observations and recommendations relating to a child or a child's family while attending the meetings.
  - c. Iowa Code §237.21 (4), A CASA volunteer may disclose case-related observations and recommendations to the agency assigned by the court to supervise the case (DHS or Juvenile Court Services (JCS)), to the county attorney, or to the child's legal representative or guardian ad litem.
  - d. Iowa Code §598.12(6)(b), A CASA volunteer may attend any meeting, including a local Foster Care Review Board (FCRB), if invited and disclose case-related observations and recommendations relating to the child or a child's family. If a CASA volunteer cannot attend the local FCRB review, the volunteer shall submit written testimony or report for the Board by following the instructions indicated in the invitation letter.

8. Disclosing case-related observations and recommendations can only be made to the Department of Human Services or Juvenile Court Services, the county attorney or to the child's legal representative or guardian ad litem. For this reason, when CASA staff, advocates and/or coaches are included in group emails with case specific information, Code §237.21 (4) prohibits the staff, advocate or coach from using "reply all" to respond to recipients in the group email. CASA Staff, advocate or coach can reply to each individual on the email separately or only to the group of those who are privy to the information, provided the individual is one of the case parties listed above.
  - a. "Case specific information" is protected information such as personally identifiable information - child or family names/addresses/birthdates, medical/educational information or circumstances/details of the case. In comparison, some email does not contain these types of information. For example, an email sent to several parties to find an available meeting time could be a "reply all" response.
9. The disclosure of information outside of these approved methods violates the confidentiality policy. Service providers, foster parents, caregivers, teachers, day care providers and others involved in the child's life provide excellent information for CASA volunteers. While CASA volunteers and staff can accept information from these individuals, it is a violation of Iowa Code §237.21(2) to provide/disclose information to them.
10. CASA of Iowa staff and volunteers must never discuss an assigned case for purely conversational purposes, particularly in specific terms, with anyone. In addition, conversations with case parties or conversations with authorized individuals about the case shall be held in a confidential location; not in hallways, elevators or other public locations.
11. CASA of Iowa staff, advocates and/or coaches shall not promise a child or any party to the assigned case that their statements will be kept secret or confidential.
12. CASA of Iowa staff, advocates and coaches are **strictly prohibited** from commenting on any case to the media or legislators.
  - a. CASA of Iowa staff, advocates and coaches shall not discuss information about their cases with the media or make arrangements for interviews with children or parents, regardless of their consent. CASA of Iowa does not exploit children and families to receive media attention.
  - b. If contacted by the media or a legislator regarding a case or the CASA program, coaches and advocates shall contact program staff to determine a response plan. Advocates and coaches may participate in providing the response if deemed appropriate by the local program coordinator. If an advocate or coach is interviewed by the media or legislator, the local program coordinator must be present. The coordinator will notify the administrator of the media coverage.

- c. As employees of the State of Iowa, all CASA of Iowa staff must adhere to the Political Activities policy in the [State of Iowa Employee Handbook](#).
- d. It is expected that, in the conduct of official State business, all CASA of Iowa staff shall represent the official position of the department when having contact with legislators or members of Congress and their staff. The policy does not restrict an employee's rights as a private citizen or constituent to contact State legislators, members of Congress, legislative staff or congressional staff to express his/her personal views on an issue. Employees shall not make personal contacts on work time.

If CASA of Iowa staff or volunteers are contacted by a State legislator or member of Congress or their staff with questions and the answer can be given briefly, provide the answer to the person immediately and then immediately notify your supervisor of the contact and response. If the question or request requires an extensive response or written reply, contact your supervisor for further direction.

### **Safeguarding confidentiality of records**

CASA of Iowa case record information must be maintained in such a way to prevent inadvertent disclosure to unauthorized persons.

1. CASA of Iowa staff and volunteers shall maintain case information in the CAMS data system and the court's file in the EDMS system.
2. CASA of Iowa staff must use the email addresses provided by the State of Iowa.
3. CASA of Iowa volunteers shall not use an email address that is accessible to others.
4. CASA of Iowa does not recommend printing of paper files.
  - a. If a volunteer chooses to print documents, paper files shall be double locked when not in use.
  - b. All paper and/or electronic copies of case documents must be destroyed upon completion of the case.
5. Digital/electronic records must be password protected and not accessible to others.
6. CASA of Iowa staff and volunteers must ensure that they have a private place to conduct CASA duties.