

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

February 6, 2007

MEMORANDUM**What's Inside:**

- Access to Resource Provider Records
- Information from Resource Provider records that may be released to the General Public under the "Sunshine Law"

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF

FROM: PAULA NEESE, DIRECTOR

SUBJECT: ACCESS TO RESOURCE PROVIDER RECORDS

REFERENCE: CHILDREN'S DIVISION

DISCUSSION:

The purpose of this memorandum is to introduce changes in policy related to who may access resource provider records and to clarify policy in regard to what information from these records may be released to the public under Missouri Statute Chapter 610 (RSMo), also known as the "Sunshine Law". These changes are contained in Section 5, Chapter 2.6 and Chapter 2.6.1 of the Child Welfare Manual, and require the involvement of the Division of Legal Services (DLS).

The licensing records of all foster homes maintained by the Children's Division and our contracted agencies are available to the public under RSMo Chapter 610. While these requests are rare, it is important that staff, and our foster parents, be aware that these records may be released to the public. Persons requesting these files are often the biological parents or the media. This memorandum will provide information on what parts of the file are protected and can not be released, and which parts are not protected and may be released.

Access to information on the suspension or revocation of a foster home license within the record is covered under RSMo Chapter 210.498. The determination of whether license suspension or revocation information may be released should be made only after review by DLS.

ACCESS TO RECORDS

There are steps that must be followed to request and receive a copy of a resource provider file. All requests must be made in writing and the requestor must know the names of the foster parents in order to receive file information.

The information that is contained within the resource provider file that is protected and may not be released would include:

- Protected health information (anything covered under HIPAA) – DLS will make these determinations
- Child Abuse/Neglect reports
- Foster child information (at the request of the biological parent, the information on their child can be released but not on the other children in the home)
- Foster Parent's biological children's information

The information that may be released from a file includes:

- Home study (with the health information removed)
- STARS training and homework
- Financial information (except account numbers, Social Security numbers, etc.)
- Home address and phone numbers
- Email - It is also important to note that e-mail correspondence between staff and alternative care providers is not protected information and therefore is available to the public. All e-mail correspondence between staff and these providers that pertains to licensing and supervision of the home **MUST** be kept in the provider record. It is important that staff insure that all information in this correspondence is correct and applicable to the licensing and supervision issues only – no personal, conversational correspondence shall be in a business record.

Upon request for a provider record, staff shall notify their supervisor and Field Support Manager/SSS III. The request must then immediately be referred to DLS verbally and via fax with a copy of the record to follow as the Division has a statutory obligation to respond to these requests within **3 days** of receiving the request. DLS will then review and release the record. **Staff should also notify the licensed provider that a request for their record has been made.**

The provider's home address and phone number can be removed from the information released at the request of local staff with the approval of the Division of Legal Services. However, a simple request is not enough to have the information removed; there must be compelling reasons to remove it. Staff should provide a written request, with the reasons for requesting this information not be released, to Division of Legal Services when submitting the file.

NECESSARY ACTION:

1. Review this memorandum with all Children's Division staff.
2. Review revised Child Welfare Manual chapters as indicated below.
3. All questions should be cleared through normal supervisory channels and directed to:

PDS CONTACT: Stefanie Wickers 573-751-1354 Stefanie.D.Wickers@dss.mo.gov	PROGRAM MANAGER: Kathryn Sapp 573-522-5062 Kathryn.Sapp@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS: Section 5 Chapter 2.6 Out-Of-Home Care Provider Records	
FORMS AND INSTRUCTIONS: N/A	
REFERENCE DOCUMENTS and RESOURCES: N/A.	
RELATED STATUTE: RSMo Chapter 610 RSMo Chapter 210.498	
ADMINISTRATIVE RULE: N/A	
COUNCIL ON ACCREDITATION (COA) STANDARDS: N/A	
PROGRAM IMPROVEMENT PLAN (PIP): N/A	
SACWIS REQUIREMENTS: N/A	