



## Sharing Records with Children

<b>Department Name</b> Quality Management		
<b>CHAPTER:</b> 98-403, Laws of Florida	<b>SUBJECT:</b> Sharing records with children	<b>POLICY NUMBER:</b> QM-013
<b>APPROVAL:</b>	<b>EFFECTIVE DATE:</b> October 12, 2005 Revised: <b>March 30, 2007</b>	<b>REPLACES (policy # and date):</b> CF OPERATING PROCEDURE NO. 175-37, December 1, 1998

- I. **PURPOSE:** This policy establishes the portions of the case management organization's case record which can be shared with the child
- II. **REVIEW HISTORY:** Revised February 27, 2007
- III. **CONTACT:** Director of Quality Management
- IV. **PERSONS AFFECTED:** All children either in the custody of the Department of Children and Families or under the supervision of the Children's Network of Southwest Florida.
- V. **POLICY:** This policy is applicable to the Children's Network of Southwest Florida and its contracted case management organizations.
- VI. **RATIONALE:** Children have the right to review the portions of their case records which are available to them.
- VII. **CROSS REFERENCES:** Subsection 39.0132(3), Florida Statutes (F.S.), allows a child the right to "inspect and copy any official record pertaining to the child," subject only to the provisions of section 63.162, pertaining to adoption records. In addition, section 39.0132(4) allows access to department records to, *inter alia*, "others entitled under this chapter to receive that information." The following sections of Chapter 39, F.S., specifically allow a child access to his or her dependency records:
  - a. Section 39.601(1)(a), F.S.: case plan must be developed in conference with the parent, guardian, or custodian of the child, and, if appropriate, the child.

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- b. Section 39.504(4), F.S.: copy of injunction order shall be delivered to the protected party (section 39.01(51) includes child in the definition of party).
- c. Section 39.521(1)(a) and 39.601(9)(e), F.S.: copy of predisposition study and case plan must be furnished to all parties.
- d. C.E.B. v. Birkin, 566 So.2d 907 (Fla. 4th DCA 1990) (child has clear right under s. 39.0132(3), F.S. (1998), to inspection of the official record; "official record" includes any documents that were considered by the judge in reaching the court's determination).

**VIII. DEFINITIONS:**

- A. Case management organization – A subcontracted agency of the Children's Network of Southwest Florida which provides case management services to dependent children and their families.
- B. Child Welfare Legal Services – Attorneys employed by the Department of Children and Families who provide legal representation in dependency matters.

**IX. PROCEDURES:** When the case management organization receives a request from a child to have records released, the request must go to child welfare legal services for review and approval.

- a. Care, concern, and sensitivity should guide sharing of records with children. Staff must be aware that some records could be disturbing to the child and be prepared to appropriately respond to the child's reaction. Considering the child's maturity and chronological age, it is recommended that the record sharing take place during a face-to-face meeting with the child and an adult the child knows and trusts. In no case should copies of records simply be handed over to the child.
- b. The child is absolutely entitled to copies of any official court records, except adoption records, pertaining to his or her case. Therefore, copies of any documents which have been filed with the court and which are also in the agency's case record may be provided to the child. This would include petitions, orders, predisposition reports, judicial review social studies, psychological reports, Child Protection Team reports, medical reports, and any other report or record which has been filed in the official court record. The district legal counsel or child welfare attorney shall be consulted prior to release of any information (other statutory confidentiality provisions may be applicable so as to require referral of the requesting party to the originating source). In addition, the child may be given copies of notes or minutes of case planning meetings.

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c. The client is entitled to one free copy of records in the client file to which he or she has statutory access. The agency is entitled to charge a fee for subsequent copies provided.