

Confidentiality: Access to Information Contained in Licensing Records

Rhode Island Department of Children, Youth and Families

Policy: 100.0020

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The Department of Children, Youth, and Families maintains different types of records containing various amounts of confidential information. Employees of the Department who are responsible for these records or otherwise have access to these records have a legal and an ethical responsibility to safeguard all confidential information contained within, against unauthorized and/or unnecessary disclosure. Such disclosure is governed by state and federal laws and regulations and by Departmental policy and procedure. Records maintained by the Licensing and Placement Units contain background information and other documentation regarding the licensing or certification of foster/relative/day care homes and facilities as well as documentation in support of requests for placement of children. As mandated for most other records maintained by the Department, access to information contained in these records is limited to specific individuals or agencies who have a need and a right to know such information. Much of this information is available online in RICHIST.

Related Procedures

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Access to Information Contained in Licensing Records

Procedure From Policy 100.0020: Confidentiality: Access to Information Contained in Licensing Records

- A. Records maintained by Licensing include:
 - 1. Foster home/relative home licensing records
 - 2. Group home/child placement facility licensing records
 - 3. Day care home certification records
 - 4. Day care facility licensing records
 - 5. Referral for placement records
- B. Access to confidential information contained in Licensing records is limited to the individuals or agencies within the stated guidelines described in the sections below.
 - 1. Individual(s) About Whom the Record is Maintained
 - a. Only that information generated by the Department can be disclosed by the Department. Third party information can only be disclosed by the individual or agency from whom the Department received such information or with the expressed permission of that individual or agency.
 - b. Any material received as a result of a CPS investigation can only be disclosed by CPS personnel as outlined in policy.
 - c. Any reference to the adoption of a child under the care of the Department or information regarding that child's family of origin is restricted and cannot be disclosed.
 - 2. Employees of the Department
 - a. Employees from outside the Division have access to Licensing records only when they have a need and a right to know such information. That is, the employee needs to review a foster/day care home or facility record to decide if it is appropriate for a particular child, or as otherwise indicated in the performance of his/her assigned duties. A Child Protective Investigator may need to review a record in reference to an allegation of child abuse and/or neglect.
 - b. Employees from within the Division shall have access to any record as necessary to perform their assigned duties.
 - 3. Family Court
 - a. Family Court judges and CASA volunteers may be allowed access to Licensing only by subpoena or other valid court order.
 - b. Any subpoena or court order regarding Licensing records should be filed with the Office of DCYF Legal Counsel. Legal Counsel shall advise Licensing about how it should respond to such documents.

4. Child Advocate
 - a. Rhode Island General Law (RIGL) 42-73-8 grants the Child Advocate's Office access to all records currently maintained by the Department.
 - b. All requests from the Child Advocate's Office for information contained in Licensing records must be in writing and shall be addressed to the Licensing Administrator. Such requests shall include the name and address of the individual about whom information is requested and should be specific as to the information required.
 5. Child Care Providers
 - a. When individuals or public or private agencies are in need of confidential information for the purposes of temporary or permanent placement and the disclosure of this information is needed to accomplish this placement, the Regional/Assistant Directors of the various divisions are authorized by the Director to release confidential information within the framework of existing policy and procedure.
 - b. Disclosure of information for placement shall be limited to only that information necessary to determine the appropriateness of the placement site for the child and to provide day-to-day care for that child if placed in that home/facility
 6. Persons Authorized in Writing by the Director or His/Her Designee for Audit, Survey, or Bona Fide Research Purposes
 - a. Anyone requesting information from Licensing records for audit, survey, or research shall sign a confidentiality pledge.
 - b. Any information shared for these purposes cannot be disclosed by these individuals except as authorized by the Department.
 7. Other Individuals or Agencies Recognized by the Director or His/Her Designee as Having a Need and a Right to Know Such Confidential Information
- C. Requests for confidential information contained in Licensing and Placement records, except by employees of the Department or as otherwise stated in this policy, must be in writing and shall be addressed to the Licensing Administrator.
- D. In situations where any individual is authorized to review a Licensing record, that record shall be reviewed in house at the Licensing Unit unless otherwise authorized for specific purposes by the Licensing Administrator or his/her designee (such as records subpoenaed by the Court):
1. During such reviews of Licensing records, no material shall be removed, added, or otherwise altered in these records.
 2. Certain material may be copied from the record, at the discretion of the Licensing Administrator or his/her designee, only if the individual has the need and the right to have such material.
 3. In any review of Licensing records, care must be taken at all times to safeguard restricted information.