



June 15, 2021

Child Welfare Services Manual Transmittal No. 2021-02

To: County Departments of Family and Children Services
DFCS District Directors
DFCS Regional Directors
State Office Staff

From: Tom C. Rawlings, Division Director
Georgia Division of Family and Children Services

Re: Child Welfare Policy Manual: Chapter 2: Information Management

Purpose

The purpose of this Child Welfare Services Manual Transmittal (CWSMT) is to announce updates to Chapter 2: Information Management and other policies in the Child Welfare Policy Manual to align with state and federal law, as well as best practices for safeguarding confidential information and preventing unauthorized disclosure of child welfare records.

Discussion

The Georgia Division of Family and Children Services (DFCS) is responsible for ensuring the safety, permanency, and well-being of children served. DFCS recognizes that sound policies, guided by federal and state laws and rooted in best practice, support the framework for providing effective child welfare services. To that end, DFCS continually reviews and makes responsive changes to the Child Welfare Policy Manual to assure continued alignment with federal and state laws, organizational changes, and shifts in best practice and socio-cultural factors affecting children and families served.

Chapter 2: Information Management incorporate provisions for safeguarding confidential and protected health information obtained while serving Georgia's children and families. The following highlights changes to this chapter and other policies in the Child Welfare Policy Manual:

Chapter 2: Information Management

[2.07 Contact with Media, Legislators, County Officials](#)

1. Adds the DFCS Office of Communications as the contact for requests from the media.
2. Adds the DFCS Office of Legislative Affairs as the contact for requests from legislators.

3. Requires county and regional directors notify the DFCS Office of Communications or DFCS Office of Legislative Affairs of requests from county officials regardless if the county handles the request.
4. Emphasizes that the Regional Director shall be informed of requests received from the media, legislators or county officials.
5. Adds procedures that specifies the information to obtain from media, legislator and county official requests.
6. Updates practice guidance to explain the importance of safeguarding confidential information.
7. Adds to practice guidance a description of the responsibilities of the DFCS Office of Communications and DFCS Office of Legislative Affairs.
8. Removes “board members” from this policy section title and content as there are protocols that outlines information management related to board members.

2.08 Subpoenas (Testimony and Case Records)

1. Adds a requirement and procedure to notify the DFCS Office of General Counsel (OGC), in addition to the Special Assistant Attorney General (SAAG) upon receipt of a subpoena.
2. Adds practice guidance on the types of subpoenas that DFCS may receive.

2.09 Open Records Act of Georgia

1. Adds to requirements the methods in which Open Records may be received by DFCS.
2. Adds to Practice Guidance the process for submitting Open Records request for child welfare records.

2.10 J.J. v. Ledbetter Parent or Guardians Request for Information

1. Clarifies that the Health Insurance Portability and Accountability Act (HIPAA) takes precedence over J.J. v. Ledbetter for requests for protected health information (PHI); and that requests for PHI classified as un-releasable in JJ v. Ledbetter may be handled in accordance with policy *2.5 Information Management: Health Insurance Portability and Accountability Act*.
2. Updates the requirement regarding the case record information available to parents or guardians.
3. Adds a procedure to consult the SAAG or DFCS OGC when additional guidance is needed in fulfilling a request pursuant to J.J. v. Ledbetter.
4. Adds procedures for supervisor guidance and oversight of requests received pursuant to J.J. v. Ledbetter.
5. Replaces the form Caregiver Request for Case Record Information with the form Notice of Case Record Information Available to Parents/Guardians.
6. Adds to Forms and Tools:
 - a. Notice of Case Record Information Available to Parents/Guardians
 - b. Non-Objection to Subsequent Release of Information by Primary Sources

2.11 Public Access to Records in Child Fatality and Near Fatality Cases

1. Identifies and distinguishes the following two types of Child Fatality and Near Fatality records requests and their respective permissible disclosures:
 - a. Child Abuse Prevention and Treatment Act (CAPTA) requests; and
 - b. Open Records Act requests.
2. Eliminates the requirement to use the Child Fatality/Near Fatality Record Request Form for CAPTA requests.
NOTE: The form is still available for use as needed.
3. Adds the DFCS OGC as a resource for guidance on requests for information pertaining to child welfare records.

Chapter 4: Initial Safety Assessment (ISA)

4.1 Preparing for the Initial Safety Assessment (ISA)

1. Replaces the form Caregiver Request for Case Record Information with the Notice of Case Record Information Available to Parents/Guardians.

4.3 Purposeful Contacts During Initial Safety Assessments

1. Adds to Codes and References the J.J. v. Ledbetter Consent Decree.
2. Adds a procedure to explain DFCS' obligation to maintain confidentiality and safeguard information to prevent unauthorized disclosure.
3. Adds a procedure to provide the parent/guardian a copy of the HIPAA Notice of Privacy Practices and Notice of Case Record Information Available to Parents/Guardians and to obtain signatures.
4. Replaces the form Caregiver Request for Case Record Information with the Notice of Case Record Information Available to Parents/Guardians.

Chapter 5: Investigations

5.2 Purposeful Contacts During Investigations

1. Adds to Codes and References the J.J. v. Ledbetter Consent Decree.
2. Adds a procedure to verify that confidentiality and safeguarding of information was shared with the parent/guardian and signed copies of the HIPAA Notice of Privacy Practices and Notice of Case Record Information Available to Parents/Guardians were uploaded to Georgia SHINES External Documentation.
3. Adds a procedure to explain DFCS' obligation to maintain confidentiality and safeguard information to prevent unauthorized disclosure.
4. Adds a procedure to provide the parent/guardian a copy of the HIPAA Notice of Privacy Practices and Notice of Case Record Information Available to Parents/Guardians and to obtain signatures.
5. Replaces the form Caregiver Request for Case Record Information with the Notice of Case Record Information Available to Parents/Guardians.

Chapter 6: Special Investigations

6.1 Preparing for Special Investigations

1. Replaces the form Caregiver Request for Case Record Information with the Notice of Case Record Information Available to Parents/Guardians.

6.2 Purposeful Contacts in Special Investigations

1. Adds to Codes and References the J.J. v. Ledbetter Consent Decree.
2. Adds a procedure to verify confidentiality and safeguarding of information was shared with the parent/guardian and signed copies of the HIPAA Notice of Privacy Practices and Notice of Case Record Information Available to Parents/Guardians were uploaded to Georgia SHINES External Documentation.
3. Adds a procedure to explain DFCS' obligation to maintain confidentiality and safeguard information to prevent unauthorized disclosure.
4. Adds a procedure to provide the parent/guardian a copy of the HIPAA Notice of Privacy Practices and Notice of Case Record Information Available to Parents/Guardians and to obtain signatures.
5. Replaces the form Caregiver Request for Case Record Information with the Notice of Case Record Information Available to Parents/Guardians.

Chapter 7 Family Support Services

7.2 Purposeful Contacts During Family Support Services

1. Adds to Codes and References the J.J. v. Ledbetter Consent Decree.
2. Adds a procedure to verify confidentiality and safeguarding of information was shared with the parent/guardian and signed copies of the HIPAA Notice of Privacy Practices and Notice of Case Record Information Available to Parents/Guardians were uploaded to Georgia SHINES External Documentation.
3. Adds a procedure to explain DFCS' obligation to maintain confidentiality and safeguard information to prevent unauthorized disclosure.
4. Adds a procedure to provide the parent/guardian a copy of the HIPAA Notice of Privacy Practices and Notice of Case Record Information Available to Parents/Guardians and to obtain signatures.
5. Replaces the form Caregiver Request for Case Record Information with the Notice of Case Record Information Available to Parents/Guardians.

Chapter 8: Family Preservation Services

8.1 Initiation of Family Preservation Services

1. Adds to Codes and References the Indian Child Welfare Act (ICWA).
2. Adds a procedure to review the current case record, analyze any DFCS history and verify the HIPAA Notice of Privacy Practices and Notice of Case Record Information Available to Parents/Guardians were completed, provided to the parent/guardian and uploaded into Georgia SHINES External Documentation.
3. Adds a procedure for supervisors to review the current case record, analyze any DFCS history and verify the HIPAA Notice of Privacy Practices and Notice of Case Record Information Available to Parents/Guardians were completed and uploaded into Georgia SHINES External Documentation.

8.2 Purposeful Contacts with Families Receiving Family Preservation Services

1. Adds to Codes and References the Health Insurance Portability and Accountability Act (HIPAA) and O.C.G.A. § 49-5-40 Definitions; Confidentiality of Records; Restricted Access to Records.
2. Adds a requirement to adhere to HIPAA and confidentiality provisions.

3. Adds the HIPAA Notice of Privacy Practices, Notice of Case Record Information Available to Parents/Guardians and Consent to Receive Targeted Case Management Services to the documents needed when preparing for purposeful contacts.
4. Adds a procedure to explain DFCS' obligation to maintain confidentiality and safeguard information to prevent unauthorized disclosure.
5. Adds a procedure to explain and complete the Consent to Receive Targeted Case Management Services with the parent, guardian or legal custodian.
6. Adds a procedure to explain, complete and provide the Notice of Case Record Information Available to Parents/Guardians to the parent/guardian.
7. Adds to Forms and Tools:
 - a. HIPAA Notice of Privacy Practices
 - b. HIPAA Notice of Privacy Practices – Spanish
 - c. Notice of Case Record Information Available to Parents/Guardians

Chapter 10: Foster Care

10.1 Placement of a Child

1. Adds to Codes and References the J.J. v Ledbetter Consent Decree.
2. Adds a procedure to explain, complete and provide the Notice of Case Record Information Available to Parents/Guardians to the parent/guardian when a child enters foster care.

10.18 Purposeful Contacts in Foster Care

1. Adds to Codes and References the J.J. v Ledbetter Consent Decree.
2. Adds a procedure to verify confidentiality and safeguarding of information was shared with the parent/guardian and signed copies of the HIPAA Notice of Privacy Practices and Notice of Case Record Information Available to Parents/Guardians were uploaded to Georgia SHINES External Documentation.
3. Adds a procedure to provide a copy of the HIPAA Notice of Privacy Practices and the Notice of Case Record Information Available to Parents/Guardians to parents/guardians during the purposeful contact, if not already provided.

Chapter 19: Case Management

19.4 Case Transfer

1. Adds to Codes and References the Health Insurance Portability and Accountability Act (HIPAA) and J.J. v. Ledbetter Consent Decree.
2. Adds a requirement to transfer case responsibility in a manner that ensures continuity of services to the family and prepares for the shift in the responsibility to manage child safety.
3. Adds procedures for verifying confidentiality and safeguarding of information was shared with the parent/guardian and signed copies of the HIPAA Notice of Privacy Practices and Notice of Case Record Information Available to Parents/Guardians were uploaded to Georgia SHINES External Documentation.
4. Adds procedures for explaining and completing the Consent to Receive Targeted Case Management Services form with the primary caregiver during the joint visit when the case is transferring to foster care.

Policy Maintenance Updates

The following Child Welfare Forms and Tools have been updated:

1. Adoption Assistance Eligibility Letter for Youth Age 18 and Older
2. Adoption Assistance Eligibility Letter for Youth Age 18 and Older (Spanish)
3. Adoption Assistance Narrative
4. Adoption Assistance Repayment Agreement
5. Adoption Assistance Repayment Agreement (Spanish)
6. Adoption Assistance Treatment Professional Report
7. Adoption Exchange Family Registration
8. Affidavit of Consent to Adoption (Affidavit 1)
9. Affidavit of Consent to Adoption (Affidavit 2)
10. Affidavit of Disclosure for Adoption
11. Affidavit of Disclosure for Adoption (Spanish)
12. Authorization by Adoptive Parent for Payment of Non-Recurring Funds Directly to a Third Party
13. Authorization by Adoptive Parent for Payment of Non-Recurring Funds Directly to a Third Party (Spanish)
14. Authorization of Psychiatric Medication for Children in Foster
15. Commercial Sexual Exploitation of Children (CSEC) Referral Form
16. Individual Volunteer Application
17. Safety Plan (e-version)
18. Safety Plan (e-version) (Spanish)
19. Safety Plan Support Agreement (e-version)
20. Safety Plan Support Agreement (e-version) (Spanish)
21. USPS Address Information Request

Implementation

This policy update is effective upon the release of this manual transmittal and is available on the Online Directives Information System (ODIS) at <http://odis.dhs.ga.gov/>.

Regional and County Leadership shall provide opportunities for staff to review and discuss the updated policy to ensure implementation. Please refer to policy [1.3 Administration Access, Distribution and Review of Child Welfare Policies](#) for the applicable requirements and procedures for policy review.

Please direct questions regarding this policy release to the Field Program Specialist in your region. Regional staff shall submit questions to the Policy and Regulations Unit at PPPDUnit@dhs.ga.gov.