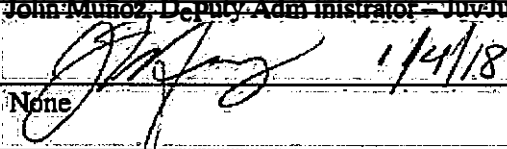
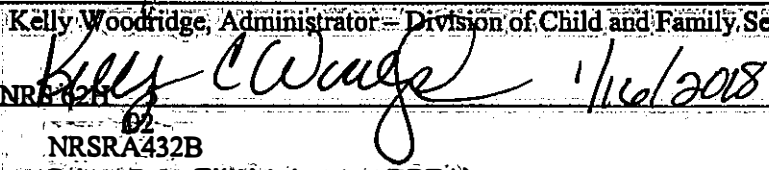


CONFIDENTIALITY and RELEASE OF JUVENILE JUSTICE INFORMATION

	DIVISION OF CHILD AND FAMILY SERVICES
SUBJECT:	Confidentiality an
POLICY NUMBER:	DCFS/JJS 300:11
EFFECTIVE DATE:	July 1, 2017
APPROVED BY:	John Muñoz, Deputy Administrator - Juvenile Justice Services
DATE:	 1/24/18
SUPERSEDES:	None
APPROVED BY:	Kelly Woodridge, Administrator - Division of Child and Family Services
DATE:	 1/16/2018
REFERENCES:	<p>NRS 62H.025</p> <p>NRSRA432B</p> <p>Prison Rape Elimination Act (PREA)</p> <p>42 CFR Part 2</p> <p>45 CFR Part 160</p> <p>ACA 4JCF-4C-31</p> <p>Family Educational Rights and Privacy Act (FERPA)</p>
ATTACHMENTS:	Attachment A: Authorization for Release of Confidential Information form

I. SUMMARY

It is the policy of the Division of Child and Family Services, Juvenile Justice Services (DCFS/JJS) that all juvenile justice information is confidential and may only be released in accordance with the provisions of NRS 62H.025 or as expressly authorized by other federal or state law.

II. DEFINITIONS

- A. **Juvenile Justice Agency:** Nevada Division of Child & Family Services, Juvenile Justice Services (DCFS/JJS) or a county director of juvenile services.
- B. **Director of Juvenile Services:** The county Chief Probation Officer, county director of juvenile services, or the county director of the department of juvenile justice services.
- C. **Juvenile Justice Information:** Any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.
- D. **Confidential/Privileged Information:** Juvenile justice information that is subject to specific limitations on its disclosure. Such information must be specifically labeled, handled, and stored in such a way as to guard against accidental or unauthorized disclosure.

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- E. **Consent to release information:** A written authorization to release specific juvenile justice information to a specific individual or agency pursuant to applicable laws, regulations, and policy by an authorized individual.
- F. **42 CFR Part 2:** The part of the Code of Federal Regulations under the Public Health chapter that deals with the confidentiality of alcohol and drug abuse patient records. Specialists, organizations, or units of organizations who provide substance abuse diagnosis, treatment, or referrals for treatment are usually covered by these regulations.
- G. **HIPAA:** Refers to the federal Health Insurance Portability and Accountability Act of 1996, together with regulations promulgated by the United State Department of Health and Human Services (HHS), available at 45 CFR Part 160. These regulations establish federal standards for the privacy and security of “protected health information” (PHI), including mental health information.
- H. **FERPA:** Refers to the federal Family Educational Rights and Privacy Act that governs the access to and release of educational records by federally funded schools.
- I. **ROI:** Release of Information. See Attachment A for the form to process ROI.
- J. **PREA:** Prison Rape Elimination Act. A federal law passed in 2003 that supports the elimination, reduction, and prevention of sexual assault, sexual harassment and rape within correctional facilities. This law applies to all federal, state, county, local, and private facilities.

III. RELEASE OF JUVENILE JUSTICE INFORMATION

- A. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of the public, a juvenile justice agency may only release juvenile justice information to:
 - 1. A director of juvenile services or his or her designee;
 - 2. The Chief of the Youth Parole Bureau or his or her designee;
 - 3. The Chief Parole and Probation Officer or his or her designee;
 - 4. The Director of the Department of Corrections or his or her designee;
 - 5. A district attorney or his or her designee;
 - 6. An attorney representing the child;
 - 7. The director, chief or sheriff of a state or local law enforcement agency or his or her designee;
 - 8. The director of a state or local agency which administers juvenile justice or his or her designee;
 - 9. A director of a state or local facility for the detention of children or regional facility for the treatment and rehabilitation of children or his or her designee;
 - 10. The director of an agency which provides child welfare services or his or her designee;
 - 11. The director of an agency which provides mental health services or his or her designee;
 - 12. A guardian ad litem or court appointed special advocate who represents the child;
 - 13. A parent or guardian of the child;
 - 14. The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;
 - 15. A law enforcement agency in the course of a criminal investigation, a delinquency proceeding conducted pursuant to the provisions of this title or a situation involving a child who is subject to the jurisdiction of the juvenile court and who poses a threat to himself or herself or to the safety or well-being of others;

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16. A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information and data from an educational record of a child maintained by the school district for a purpose consistent with the purposes of 62H.025;
 17. A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;
 18. A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; or
 19. A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order.
- B. A juvenile justice agency may deny a request for juvenile justice information if:**
1. The request does not, in accordance with the purposes of 62H.025, demonstrate good cause for the release of the information; or
 2. The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject;
 3. A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.
- C. Any juvenile justice information provided pursuant to 62H.025 may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:**
1. Educational services;
 2. Social services;
 3. Mental health services;
 4. Medical services; or
 5. Legal services.
- D. Except as otherwise provided, any person who is provided with juvenile justice information pursuant to this 62H.025 and this policy and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This does not apply to:**
1. A district attorney who uses the information solely for the purpose of initiating legal proceedings; or
 2. A person or organization described in III. A. who provides a report concerning juvenile justice information to a court or other party pursuant to 62H.025 or chapter 432B of NRS (Protection of Child from Abuse and Neglect).
- E. Release of juvenile justice information to an agency or individual not cited by NRS 62H.025 (see Section III, A) or this policy, or as required by other federal or state regulations, will require approval on a Release of Information (ROI) form (See Attachment A) from the youth (who is 18 years of age or older) or from the parent/guardian of the youth (under the age of 18) and compliance with all applicable provisions for the release of the juvenile justice information.**
- F. Any attendees at a Child & Family Treatment (CFT) meeting not listed as authorized to have access to juvenile justice information will require the completion of a ROI form (See Attachment A).**
- G. A ROI form is not required for any medical emergency that presents a clear or imminent danger to the youth or others.**

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- H. As required by PREA, “Medical and mental health practitioners shall obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18.”
- I. An ROI is not required when making a mandated report of Child Abuse and Neglect (NRS32B.220).
- J. Consistent with the requirements of 62H.025 and this policy, a ROI is not required for a qualified individual or organization that needs to have access to youth records for the purpose of program evaluation.
- K. Staff shall read and assist with the completion of the ROI (see Attachment A) with the youth or the legally responsible person as necessary.
- L. All DCFS/JJS team members who have access to juvenile justice information shall be trained on the requirements of 62H.025 and this policy.
- M. The Superintendent and Chief of the Youth Parole Bureau shall designate a team member as Coordinator of Juvenile Justice Information and Records for their respective units to ensure compliance with this policy.

IV. CONFIDENTIALITY AND RELEASE OF ALCOHOL AND DRUG ABUSE RECORDS, PROTECTED HEALTH INFORMATION AND EDUCATIONAL RECORDS.

- A. Federal law and regulations provide for specific confidentiality protections and procedures for the release of information pertaining to alcohol and drug abuse records (42 CFR Part 2), protected health information (HIPPA), and educational records (FERPA). Issues related to these program areas should be referred to the appropriate substance abuse, medical/mental health, or education staff/treatment provider to ensure compliance with these federal requirements. Additionally, any alcohol or drug abuse records released in accordance with this paragraph must have the following non-disclosure statement (see Attachment A): “I understand that my records are protected under federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR, Part 2, and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically as follows: (specification of the date, event, or condition upon which it expires).”

V. CONFIDENTIALITY OF FAMILY INFORMATION

- A. Family information shall be treated as all other juvenile justice information and maintained as confidential and only released pursuant to the provisions of NRS62H.025 and this policy.

VI. PROCEDURE

- A. Each institution and the Youth Parole Bureau shall develop a Standard Operating Procedure (SOP) for this policy.

Division of Child and Family Services – Juvenile Justice Services (DCFS/JJS)
AUTHORIZATION FOR RELEASE OF CONFIDENTIAL INFORMATION

Information Requested From: (PRINT NAME/ADDRESS)

Information Released To: (PRINT NAME/ADDRESS)

_____ (Initial) I approve of this information being faxed and or emailed to the party listed above.

YOUTH NAME: _____
 (PRINT)

DATE OF BIRTH: _____

INFORMATION TO BE RELEASED: (Individual must initial each item of information to be released)

<input type="checkbox"/> Consultation Reports	<input type="checkbox"/> Medical History / Physical Exam	<input type="checkbox"/> Treatment Plans
<input type="checkbox"/> Diagnosis (psychiatrist)	<input type="checkbox"/> HIV/AIDS Information	<input type="checkbox"/> Psychiatric Evaluation
<input type="checkbox"/> Discharge Summary	<input type="checkbox"/> Medication Records	<input type="checkbox"/> Psychological Assessment
<input type="checkbox"/> Drug and Alcohol Abuse Information	<input type="checkbox"/> Progress Notes	<input type="checkbox"/> Lab
<input type="checkbox"/> General Summary Letter Only		

Other (Specify): _____

For the Purpose Of: _____

This authorization is effective immediately and is subject to revocation in writing at any time, except to the extent that action has already been taken in reliance thereon. I may revoke this release in writing at any time and without penalty or denial of services. This authorization expires _____. (No greater than 1 year from the date of signature below)

It is understood that the policy of DCFS/JJS is to release only that information about the youth on parole or a former parolee, which, in the judgment of the staff, is considered essential to the purpose for which this authorization is requested. This in no way binds DCFS/JJS to open its records for inspection, or to otherwise provide information which may violate the above policy. Nevada Statutes, and/or Administrative Regulations protect the DCFS/JJS records and any further disclosure is prohibited without the consent of the undersigned. It is further understood that the Chief of Parole or the Superintendents of any State operated youth correctional center may refuse to disclose portions of such records if he or she states in writing that such disclosure will be injurious to the welfare of the youth or former youth. I understand that my records are protected under federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2, and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically as follows:

(Specification of the date, event, or condition upon which this consent expires)

1. I understand that this authorization is voluntary and that I may refuse to sign. My refusal to sign will not affect my parole status.
2. I understand that I may revoke this authorization at any time by notifying DCFS/JJS in writing, except to the extent that information has already been released based on this signed authorization.
3. I understand that information I authorize a person or entity to receive may be re-disclosed and no longer protected by federal privacy regulations.
4. I understand that I may inspect the information disclosed.
5. I release DCFS/JJS and any employee of DCFS/JJS from any liability arising from my request for the release of information to the person/agency designated above.

 Youth (Print Name)

 Youth Signature

 Date

Not Applicable if Under 18 Years of Age

Parent Custodian Guardian (Print Name)

 Parent / Custodian / Guardian Signature

 Date

 Witness (Print Name)

 Witness Signature

 Date