

Disclosure of Confidential Information Quick Reference Grid

Agency or Department	Common Requests for Records or Information	General Rules for Disclosure <i>Consult Specific Sections of the Guide or Legal Counsel for More Information</i>
Department of Children and Families (DCF)	<ul style="list-style-type: none"> • Verification of open or previously open agency case • Current worker's name & contact info • Current placement • 51A and 51B reports • Service and treatment history • Screenings and assessments • Placement and family history, reason for agency involvement • School or medical information 	<p>General Rule: Information held by DCF is confidential and is not subject to public disclosure without a signed release or court order (G.L. c. 66A).</p> <p><u>Some Limited Exceptions:</u></p> <ul style="list-style-type: none"> • When DCF is a party to a court proceeding, providing the entire file to: attorney for a party; Juvenile Court Investigator; court-appointed guardian ad litem; Probation Officer for case, subject to redactions. (110 CMR 12.09). • When DCF has custody some information about the child is available to: child's delinquency attorney (110 CMR 12.10), DYS when child is committed or detained (110 CMR 12.15 ; G.L. c. 119, §69A), service providers and school personnel (110 CMR 12.06) • DCF must provide certain serious child abuse reports to the district attorney and police (110 CMR 4.50-51; G.L. c 119, §51B(k)).
Probation	<ul style="list-style-type: none"> • Verification of open cases • Verification of past cases • Status of compliance with terms of Probation 	<p>General Rule: Probation information is not subject to public disclosure without a signed release or court order (G.L. c. 276, §100).</p> <p><u>Some Limited Exceptions:</u></p> <ul style="list-style-type: none"> • To DCF in connection with a report of suspected child abuse or neglect (G.L. c. 119; §§51A, 51B). • To DYS when a youth is committed to DYS (G. L. c. 119, §69A). • To criminal justice agencies at the discretion of the Commissioner of Probation (G.L. c. 119, §69A). • To the child's delinquency or youthful offender attorney (G.L. c. 119, §60A).
Department of Youth Services (DYS)	<ul style="list-style-type: none"> • Verification of commitment • Youth behavior during placement • Placement history • Assessments and clinical records • Educational and medical records 	<p>General Rule: Information held by DYS is confidential and not subject to public disclosure without a signed release or court order (G.L. c. 66A and G.L. c. 120, §21).</p> <p><u>Some Limited Exceptions:</u></p> <ul style="list-style-type: none"> • For ongoing police investigations. • For certain verbal communications necessary for treatment or service provision.

<p>Public Elementary and Secondary Schools</p>	<ul style="list-style-type: none"> • School records including attendance and grades • Disciplinary records • Individualized Education Programs and other disability related information 	<p>General Rule: Public schools are prohibited from disclosing "personally identifiable information" from a student's education record without a signed release or a court order. (20 U.S.C. 1232g; 34 CFR Part 99, 603 CMR 23).</p> <p><u>Some Limited Exceptions:</u></p> <ul style="list-style-type: none"> • To comply with a subpoena if notice is first given to the parent and/or student 18 years or older (603 CMR 23.07 (4)(b)). • To authorized school personnel providing services to a student when needed to perform their official duties (603 CMR 23.07(3)). • Information that has been designated directory information (603 CMR 23.07(4)(a)). • To DCF in connection with a report of suspected child abuse or neglect (G.L. c. 119, §§51A, 51B; 603 CMR 23.07(4)(c),(e)). • To DCF when child is in DCF custody (603 CMR 23.02). • To Probation regarding a delinquency matter (G.L. c. 119, §57; 603 CMR 23.07(4)(c)). • To DYS with respect to committed youth (G.L. c. 119, §69A; 603 CMR 23.07(4)(c)). • To school health personnel, health department personnel, and to appropriate parties in a health and safety emergency (603 CMR 23.07(4)(h),(e)).
<p>Juvenile Court and Court Clinic</p>	<ul style="list-style-type: none"> • Case records and reports 	<p>General Rule: Juvenile Court case records and reports are confidential and the proceedings are closed to the public (G.L. c. 119, §§38, 65).</p> <p><u>Some Limited Exceptions:</u></p> <ul style="list-style-type: none"> • The individual seeking disclosure represents a party or has been appointed on the case. • Youthful Offender records are open to public inspection (G.L. c. 119, §60A). • Pursuant to a Juvenile Court order.
<p>Agency or Department</p>	<p>Common Requests for Records or Information</p>	<p>General Rules for Disclosure <i>Consult Specific Sections of the Confidentiality and Information Sharing Guide or Legal Counsel for More Information</i></p>
<p>Probate and Family Court</p>	<ul style="list-style-type: none"> • Case records and reports 	<p>General Rule: Probate and Family Court proceedings and records are open to the public.</p> <p><u>Some Limited Exceptions:</u> The following case types are confidential and the proceedings and records are not open to the public</p> <ul style="list-style-type: none"> • Child Protection Proceedings (G.L. c. 119). • Adoptions (G. L. c. 210, §5C). • Some paternity cases (G.L. c. 209C, §13). • Some abuse prevention actions (G.L. c. 209A, §8).
<p>Health Care Information</p>	<ul style="list-style-type: none"> • Information held by providers about a patient's health conditions • Information held by providers about a patient's health care treatment 	<p>General Rule: Doctors and other health care providers are subject to federal (HIPAA) and state laws prohibiting the disclosure of Protected Health Information (PHI) without the consent of the patient or the patient's authorized representative or without a valid court order (45 C.F.R. §§ 160, 164; G.L. c. 111, §70; G.L. c. 123, §36). If DCF has custody, information about the child can be disclosed to DCF. However, in some situations, the minor, and not the parent (or custodian), has authority to consent to the disclosure of the minor's health information to the parent, DCF or to others.</p> <p><u>Some Limited Exceptions:</u></p> <ul style="list-style-type: none"> • To respond to a subpoena, provided prior notice is given to the patient. • To DCF, in connection with a report of suspected child abuse or neglect (G.L. c. 119, §§51A, 51B).

Mental Health Treatment Information	<ul style="list-style-type: none"> • Mental health evaluations • Current and past treatment and medication • Information from psychological evaluations 	<p>General Rule: Mental health providers are subject to federal (HIPAA) and state laws prohibiting the disclosure of information without the consent of the patient or the patient’s authorized representative or without a valid court order. If DCF has custody, information about the child can be disclosed to DCF. However, in some situations, the minor, and not the parent or custodian, has authority to consent to the disclosure of the minor’s mental health information to the parent, DCF or to others (45 C.F.R. §§160, 164; G.L. c.112, §§129A, 135A, 172, 172A).</p> <p><u>Some Limited Exceptions:</u></p> <ul style="list-style-type: none"> • To DCF, in connection with a report of suspected child abuse or neglect (G.L. c. 119, §§51A, 51B). • To seek the involuntary hospitalization of a patient (G.L.c. 112, §§129A, 135A, 172A)
Substance Use Disorder Treatment Information	<ul style="list-style-type: none"> • Information from evaluations • Current and past treatment and medication • Test results 	<p>General Rule: Federal and state laws prohibit disclosure of any information about a patient's participation in treatment for a substance use disorder without specific consent by the patient (including a patient who is a minor) or a court order (42 C.F.R. §2.31; 42 C.F.R. §§2.11, 2.12(b), (e)(i); 42 USC 290dd; G.L. c. 111B, §11).</p> <p><u>Some Limited Exceptions:</u></p> <ul style="list-style-type: none"> • Medical emergency (42 U.S.C. §290dd-2(b)(2)(A); 42 C.F.R. §2.51).
Police and Prosecutors	<ul style="list-style-type: none"> • Investigation reports 	<p>General Rule: Records of Police and Prosecutors (including District Attorneys and Office of the Attorney General) may be disclosed to criminal justice and social service agencies, unless there is a law limiting disclosure of such information.</p>
Attorneys	<ul style="list-style-type: none"> • Information an attorney has about their client or the case 	<p>General Rule: All information that an attorney learns while representing a client is confidential including what is learned from the client and third parties unless the client gives informed consent (Mass. R. Prof. C. 1.6).</p> <p><u>Some Limited Exceptions:</u></p> <ul style="list-style-type: none"> • An attorney <i>may</i> reveal confidential information to prevent death or substantial bodily harm.