

Meeting Notes
Confidentiality and Face-to-face Issues Sub-committee
November 18, 2008

Present on the conference call were:

- Denise Walden Greene – ACS
- Ted McCourtney – Sanctuary for Families
- Anne Ellsworth – Putnam/Westchester Women’s Resource Center
- Diane Thomas – HRA
- Marie Philips – HRA
- Anzala Alozie – NYSCADV
- Judy Kahan – Center Against Domestic Violence

After introductions a call for volunteers for sub-committee chair and for recorder was made. At this point, no one has volunteered. The State Staff representative will record and distribute notes and plan next meeting, at which time the positions will be filled.

The group proceeded to discuss the list of issues for the work group. It was suggested that the list be amended to include confidentiality as it pertains to cps investigations while the person in question is in a residential program for victims/survivors of domestic violence. It was recommended that someone from OCFS policy participate in the next call.

Another issue was raised was the whether counsel for the abuser could/would have access to records once they left the shelter for any reason. It was recommended that OCFS legal participate in the next call (OCFS legal was unable to participate in the initial call).

Other specific issues pertaining to specific sections of regs:

- 452.9 – define informed consent and or full disclosure in this section
- 452.10 – would like explicit language about consequences for violating confidentiality
- 452.10 – language to be revised to be consistent with VAWA.
- 462.9(a)(3) - delete this section
- 462.10 – this section should address circumstances in which this information can or may be shared. Also recommend that this section be redrafted to cite VAWA
- 452.9(a)(3) – modify language to allow program flexibility. Important to include language that ensures that assessments are done directly between program/hotline staff and party seeking help, not a 3rd party.

To do list:

- Denise will send ACS memo drafted in 2006 to address policy and procedural guidance for completion of face to face contacts between child welfare staff and domestic violence survivors who are residing in the DV shelter system. This draft policy was also written to ensure :1) residents of confidentially located domestic violence shelters get needed child welfare services and 2) to foster strong communication and collaboration among child welfare and domestic violence providers. Denise will send memo by 12/10 to circulate to sub-committee.
- Judy will e-mail consent forms to Gwen to be distributed to work group (forms attached)
- Denise draft language (using language from the state's mandated reporting law as guide) addressing consequences when confidentiality is violated.
- Anne will draft language for revision of section on face-to-face interviews by 12/10 to be circulated to work group
- Gwen will invite OCFS policy and legal to join next conference call

Next conference call scheduled for December 18th from 2-4 PM.