



South Carolina Department of Social Services

Child Welfare Services Manual

760.5 Foster Parent Records & Confidentiality

Effective Date: 07-21-2016

Purpose Statement:

The information required by the agency and retained in foster parents' files is sensitive and private. Likewise, the information foster parents possess regarding the children in their care and their families is also confidential. The following procedures shall be followed to protect the information of foster families and foster children.

Policy:

1. The agency shall not release information about a foster family or household member to a source outside of the agency unless:
 - a. a court orders the release of information;
 - b. the agency's legal counsel authorizes the release of information; or
 - c. the foster parent signs written consent authorizing the release of the information.
2. Foster families shall not directly or indirectly disclose any information regarding foster children, their biological family, or fictive kin other than to professionals treating, caring for, or providing services to the child or to others as the agency deems appropriate.
3. Although the use of social media by a child shall be considered by the foster family in accordance with the reasonable and prudent parent standard, the foster family themselves shall not share information or pictures regarding the children in their care through any means, including social media. This includes partial disclosures such as initials, stories with names omitted, and pictures in which the child's face is not identifiable or visible.
4. In certain situations, it may be reasonable for a child's image, name, or other information to be published by a third party (e.g., the child's name and picture in a yearbook, the child's picture in the newspaper regarding academic or athletic achievements, etc.). If such an opportunity arises for the child, the foster placement shall request consent from the agency prior to allowing the publication of such information. The agency shall consent to the distribution of such information if doing so is in accordance with the reasonable and prudent parent standard and the child's best interests.
5. In extreme cases or cases of repeated violations, failure to protect the privacy of foster children or their families may constitute grounds for revocation of a family's license.
6. Foster families shall be allowed to see their licensing record, with the exception of any information identifying a reporter of a protective services allegation.

Procedures:

1. At the time of the family's first placement and then at each quarterly visit thereafter, the Regional Foster Family and Licensing Support Coordinator (FSC) will discuss with the foster parent the need to maintain the confidentiality of the foster child and his or her biological family when a child is placed.
2. The FSC shall emphasize that the foster parent is bound by confidentiality law and licensing regulations and that no foster family may directly or indirectly disclose any information regarding foster children, their biological relatives or other individuals who have had control of the foster child other than to professionals treating, caring for, or providing services to the child or others as the agency deems appropriate.
3. Information that is disclosed as set forth above is limited to information that is necessary for the child's needs and the pursuit of the child's best interests. The foster parent must not release or disclose information (including a child's picture, name, etc.) unless authorized by DSS.
4. The FSC shall advise the foster parents that they may be allowed, upon request, to see their licensing record, except any information identifying a reporter of a protective services allegation.
5. The FSC shall advise the foster parents that their information will not be released to any source without their written consent, absent a court order to do so.
6. When appropriate, foster parents may be needed to assist the agency with recruitment efforts. The FSC should discuss with the family their willingness and availability to participate in recruitment events, media promotions, or interviews for a variety of media sources.
 - a. Foster children will not be identified or used in any recruitment efforts.
 - b. Biological or adopted children of a foster family will only be used in recruitment efforts with the parents' knowledge and written consent.
7. Upon receipt of an application to be licensed as a foster home, the State Office Initial Licensing Coordinator or designee will create a new file record for the family. The following sections will be included for immediate and future use:
 - a. Section I -- separated, tabbed and filed in chronological order
 - I. [DSS Form 1513](#) (copy of unsigned, original of signed)
 - II. [DSS Form 3059](#)
 - b. Section II -- separated, tabbed, and filed in chronological order
 - I. Monitoring - Dictation (Print out of dictation in CAPSS (optional))
 - II. Monitoring - Quarterly Visits (Any forms used for documentation of Quarterly Home Visits)
 - III. Monitoring - Documentation of ongoing training.
 - c. Section III -- separated by tabbed dividers, and filed in chronological order
 - I. Safety Issue - Background checks (includes SLED, Central Registry, Sexual Offender checks, and fingerprinting)
 - II. Safety Issue - Fire Inspections
 - III. Safety Issue - DHEC Inspections
 - IV. Safety Issue - Medicals
 - V. Safety Issue - Emergency Plans (includes Disaster Plan and Fire Escape Plan)

VI. List of Firearms

- d. Section IV -- grouped together by review period
 - Re-licensing assessment summary
 - Certificate of Regulatory Compliance
- e. Section V -- Original Licensing Assessment - information for original licensure unless addressed in other sections, to include:
 - I. Assessment Summary
 - II. [DSS Form 1511](#)
 - III. References
 - IV. Financial forms
 - V. Copies of Driver's Licenses
 - VI. Copies of Social Security cards
 - VII. Documentation of initial training
 - VIII. Any other relevant information
- f. Section VI -- separated, tabbed and filed in chronological order
 - I. Correspondence
 - II. Complaints
 - III. Miscellaneous -- receipts, vouchers, etc.

8. CPS information shall never be filed in the licensing record.

Note: If a second volume is created, all medical and fingerprinting data should be moved forward to the new volume along with the most recent documents under Sections I, II, III, and IV.

9. A foster family has the right to review their record at any time, except for sections that would disclose a reporter of abuse or neglect in the home. The FSC assigned to the family shall arrange to supervise the family's review of the record at their home or in the local office in which the record is held. The family should not be allowed to review the record without DSS staff present.

Documentation:

- Contacts with foster family, biological family, and child
- Copy of court order, authorization, or written consent

Legal Citations:

- 42 U.S.C.A. § 671(a)(8): confidentiality
- S.C. Code Ann. § 63-7-330: confidentiality of reporter information S.C. Code Reg. § 114-550: licensing regulations