

Frequently asked questions regarding information DSS can share with Foster Parents about the foster child's birth family and the birth family's case

Foster parents sometimes have questions about the extent to which it is permissible for DSS to share information about a foster child's case, background, and family history. Below are some of the more frequently asked questions and the answers are general responses. The South Carolina Code of Laws, Title 63, Chapter 7 (Children's Code) is the statutory reference for the information contained in this document. The Children's Code can be found online at: <http://www.scstatehouse.gov/code/title63.php>

- **Question:** Can DSS tell foster parents what is on the birth parent's treatment plan?
- **Answer:** S.C. Code Section 63-7-1990(B)(16) makes it permissible for DSS to share information about a substantiated case of child abuse, neglect or harm with a person who is authorized to care for the child. This would include a foster parent. However, while sharing such information with a foster parent is permissible, DSS must also protect the birth parent's right to privacy. Therefore, DSS would only share information about a birth parent's case plan if the foster parent's need to know the information outweighed the parent's right to privacy. The "need to know" information would have to directly relate to the foster parent's care of the child and DSS would only share information that is necessary for the foster parent to care for the child. For example, if the birth parent's case plan includes attending family counseling sessions with the foster child, the foster parent would need to be aware that these would be scheduled once the parent had arrived at that point in their plan.

- **Question:** If a foster parent has been to their foster child's Foster Care Review Board meeting and heard details of what is on the birth parent's treatment plan, can DSS now provide information regarding the parent's progress on treatment goals? For example, can DSS tell a foster parent if a birth parent is passing their drug screens? Can DSS tell a foster parent if the parent completed their psychological evaluation, and if so, what recommendations were made?
- **Answer:** Due to federal and state laws that protect the confidentiality of substance use disorder, behavioral, mental, and physical health information, DSS does not share such information with third parties unless the patient consents to the sharing of the information or a court of competent jurisdiction orders DSS to share the information.

- **Question:** Can DSS let foster parents know if they are exploring relatives for their foster children? If so, can they let foster parents know if the agency is going to recommend that the child be placed with the relative or not?
- **Answer:** Yes, DSS can and **should** let foster parents know that a relative home study is in process. When a relative home study is complete, DSS can and should let the foster parents know the study is complete, and whether the relative placement is going to be utilized. DSS

should also let the foster family know the possible timeframe for a child's placement with relatives once the study is complete. Out of respect for the confidentiality of the relatives being assessed, foster parents can not be informed of the name of the relative being assessed, or any specific information regarding why a relative is or is not going to be utilized.

- **Question:** What overall level of information can DSS share with the foster family about the birth family of a foster child?
- **Answer:** S.C. Code Section 63-7-2370 requires prior to placing a child in the foster parent's home and at the time of placement, that DSS provide all reasonably accessible information that is necessary for a foster parent to provide adequate care and supervision for the child and to protect the health and safety of the child and the foster family. DSS is required to provide medical and mental health conditions and history of the child, the nature of the abuse or neglect to which the child has been subjected, behavioral strengths and challenges, and matters related to the child's educational needs. If this information is not known at the time of placement, DSS must provide the information when it is acquired. DSS has an ongoing duty to supplement this information as new information becomes known to the department. DSS is permitted to share only to the extent the information is necessary for the foster parent to provide adequate care and supervision and to protect the health and safety of the child and the foster family.

- **Question:** If a foster family wasn't able to come to their foster child's court hearing, can DSS tell the family what the outcome of court was?
- **Answer:** Yes. The case manager may explain the purpose of the hearing and outcome of the hearing. They may also explain any parts of the court's order that impact the foster parent's care and supervision of the child and ability to protect the health and safety of the child.

- **Question:** What about Shared Parenting? How does that fit into all this?
- **Answer:** The birth family is able to share whatever information they would like to with a foster family, and in many cases where foster families and birth families are partnering together for Shared Parenting the foster family may learn more details regarding birth family progress and factors than they would learn from DSS alone. Please remember that while Shared Parenting is encouraged in many situations, entering into Shared Parenting with a birth family requires foster parents consult with DSS before beginning, and it is recommended that any foster family interested in doing Shared Parenting would participate in the Shared Parenting training.