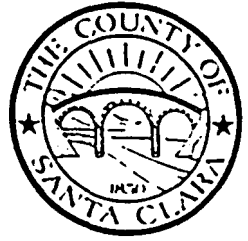


County of Santa Clara

Office of the County Counsel

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(408) 299-2111
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Service M. Woodside
County Counsel

May 5, 1993

HJP

MEMORANDUM

To: Darrell Campolong, Manager
Adult Probation Department

From: Rima H. Singh *RHS*
Deputy County Counsel

Re: Exchange of Information Between
Adult Probation and the
Social Services Agency

The purpose of this memorandum is to address the issues of confidentiality and inter-agency exchange of information raised at the meeting called by the Hon. Leonard Edwards.

I have checked with Richard O'Neil, Director of the Social Services Agency (SSA), regarding the memorandum of understanding (MOU) entered into between Adult Probation and the SSA Department of Family and Children's Services (DFCS). Mr. O'Neil has no objections to the legitimate exchange of information and, in fact, in total agreement that the MOU between Mr. Fare/DFCS and your agency should be implemented.

DFCS and the County Counsel's Office takes the position that the confidentiality provisions of Welfare and Institutions Code sections 10850 and 827 were not intended to prevent social workers from carrying out their social services functions, eg., protection of the child's safety or the parent's safety, family reunification, family maintenance, etc. Therefore, DFCS may provide information to Adult Probation which is related to the provision of services to an individual or family.

Memorandum to Darrell Campolong, Manager
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DFCS's concerns have centered around giving out information concerning confidential fosterhome placements. Fosterhomes and foster families are entitled to heightened privacy and confidentiality. (See Health & Safety Code, § 1536; SDSS Community Care Licensing manual § Z-6200.) Disclosure of a confidential fosterhome placement would require a case-by-case evaluation of the need and propriety of giving out the information. The social worker would evaluate the benefits of Adult Probation's involvement, eg., enforcement of no-contact orders. The social worker is also required to check with the fosterparents on whether they object to disclosure of their names and addresses.

We have also discussed the need for maintaining the confidentiality of the fosterhome information. *Your* current procedures require that the information be maintained in a separate envelope marked "confidential", and that it not be placed in court documents or released to the probationer/general public. These procedures meet the SSA's minimum requirements for preserving the confidentiality of fosterhome information.

We also request that Probation employees be familiar with these confidentiality issues because any breach could result in disastrous consequences for the fosterparent and for the County.

In the past there has been some discussion about obtaining standing orders of the Juvenile Court. I do not believe that any such order is necessary if the exchange of information is a legitimate inter-agency attempt to facilitate the provision of social services.

Please call me at (408) 299-2111, Ext. 223, if you need any clarification of this memorandum.

Also please contact Mr. O'Neil (441-5777) or Anelda Qualtieri (441-5660) if you wish to follow up on the exchange of addresses or other social services information.

wppprob2:2098#18-19

cc: Hon. Leonard Edwards
Richard
Anelda Qualtieri
Brian Carr