

Testimony on Senate Bill 49  
Revise Confidentiality Provisions Related to Child Abuse/Neglect Proceedings  
Child and Family Services Division  
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Division's Mission: Keeping Children Safe and Families Strong

- SB 49 has been introduced at the request of the Department of Public Health and Human Services, Child and Family Services Division
- Thanks to Sen. McGee for graciously agreeing to sponsor the legislation.
- Background: The division requested this legislation in an effort to respond to many of the allegations that social workers have removed children from parents for no reason. Legislators hear testimony during legislative hearings or interim committee meetings regarding the misconduct of child protective services workers.
- SB 49 has two provisions:
  - 1) If a person responsible for a child's welfare makes a public statement about his/her child abuse/neglect proceeding, those statements constitute a waiver confidentiality and the division may respond with fact-specific information about the case (person responsible for a child's welfare is, in effect, the child's caretaker); and
  - 2) After providing one copy of a case record, the division may establish a uniform fee for providing subsequent copies of the same documents.
- Issues relating to first provision of the bill:
  - What we do is difficult, complex, and traumatic for all those involved. We have been accused of hiding behind the cloak of confidentiality. Because current statute gives us so little latitude, our response are limited to confirming facts, discussing policy and accepted or best practice. This makes us appear non-responsive or disingenuous.
  - We believe legislators and the public have a right to understand our work and how specific cases which are brought to the attention of legislators and the public are handled. This bill provides us with the opportunity to, in a very limited way, provide that information.

**SENATE JUDICIARY**  
Exhibit No. 1  
Date 1-6-05  
Bill No. SB 49

- This bill is an attempt to loosen up the confidentiality restrictions. The division believes that the ability to provide factual information about social worker actions, from the division's perspective, will assist legislators and the public in developing a more complete understanding of the child protective services system.
- Access to more fact specific information will provide you with a balanced picture--you always hear the perspective of the parent, this bill will also allow you to hear the perspective of the division.
- Even if this bill becomes law, we will not always be able to provide you with all information you request. The privacy rights of others may outweigh the ability to provide the information requested.
- The amount of information disclosed must be considered against the limitation that disclosing the information may not be detrimental to the child or harmful to another person who is a subject of information contained in the records.
- The division's ability to discuss the case is limited to information about the caretaker making the public statement. The division must still protect the privacy interests of the child and of the non-disclosing parent.
- Issues related to second provision of the bill:
  - Parents and/or parent's attorney request multiple copies of the same documents. We agree that the first should be provided with no charge. However, we believe that we should be able to charge a nominal fee for any subsequent copy provided.
  - The fee requirement attached to subsequent copies may reduce the number of times the documents must be copied.
- Please vote in favor of SB 49