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Approved:	Cynthia K. Walcott, Deputy Commissioner	Interim Effective: 7/1/2015

Purpose

To outline the division’s responsibility to share information and provide certain records to others.

Policy

Under 33 V.S.A. § 4921, the division is charged with maintaining records of all investigations, assessments, reviews and responses initiated under Chapter 49. The division may use and disclose information from such records in the usual course of its business, including to assess future risk to children, to provide appropriate services to the child or members of the child’s family, or for other legal purposes.

In addition, the division is obligated to provide certain records or information to various people and entities. International research has shown that failure to provide timely information to key partners has contributed to lack of child safety.

Unless otherwise noted below, records or information should be provided as soon as reasonably possible following a request.

Type of information	To whom?	By whom, how, when?
Report is accepted	To the parents or guardians of the child alleged to be abused or neglected	The assigned social worker, promptly as part of child safety intervention
Acceptance of a report and track assignment	Mandated reporter	The assigned social worker, promptly as part of child safety intervention
Non-acceptance of a report	Mandated reporters	CIES, by letter
Ability to request records	Parent or guardian, when that person is not the subject of the investigation	The assigned social worker, by giving the parent or guardian a copy of parent brochure
Whether investigation was substantiated; whether assessment resulted in need for services	Mandated reporters	District Office or RLSI, by letter at the conclusion of a child safety intervention

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Type of information	To whom?	By whom, how, when?
Redacted investigation file, upon request	Child's parents, foster parent, or guardian if not the subject of the investigation. <i>The division may withhold this information for good cause.</i>	District Office, within 60 days
	The attorney representing the child in a child custody proceeding in the Family Division of the Superior Court	District Office, within 60 days
	The alleged perpetrator who requests an independent review before being placed on the Child Protection Registry	Registry Review Unit
Records, upon request	The Court, parties to the juvenile proceeding, and the child's guardian ad litem if there is a pending juvenile proceeding or if the child is in the custody of the Commissioner	District Office
	The Commissioner or person designated by the Commissioner to receive such records	Central Office
	Persons assigned by the Commissioner to conduct investigations	Central Office, when investigations are assigned to AHS Investigations Unit
	Law enforcement officers engaged in a joint investigation with the Department, Assistant Attorney General, or a State's Attorney	District Office or RLSI, as part of child safety intervention
	Other State agencies conducting related inquiries or proceedings	Central Office

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Type of information	To whom?	By whom, how, when?
<p>Relevant records or information, upon request</p> <p><i>Information may be provided verbally, or in writing.</i></p> <p><i>Determinations of relevancy shall be made by the Department.</i></p>	A person, agency, or organization, including empaneled multidisciplinary team authorized to diagnose, care for, treat, or supervise the child or who is responsible for the child's health or welfare	District Office
	Health and mental health care providers working directly with the child or family who is the subject of the report or record	District Office
	Educators working directly with the child or family	District Office
	Licensed or approved foster caregivers for the child	District Office
	Mandated reporters engaged in an ongoing working relationship with the child or family who is the subject of the report	District Office
	A Family Division of the Superior Court involved in any proceeding in which custody of a child or parent-child contact is at issue	District Office
	A Probate Division of the Superior Court involved in guardianship proceedings	District Office
	Other governmental entities for purposes of child protection	Central Office
<p>Relevant records, upon request</p> <p><i>Relevant shall mean information regarding the individual that the Department determines could avert the risk of harm presented by the individual to the requestor's child.</i></p>	<p>To a parent with a reasonable concern that an individual who is residing at least part time with the parent requestor's child presents a risk of abuse or neglect to the requestor's child.</p> <p><i>If the Department denies the request for information, the requestor may petition the Family Division of the Superior Court, which may, after weighing the privacy concerns of the individuals involved with the parent's right to protect his or her child, order the release of the information.</i></p>	District Office in consultation with Central Office

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Requests for Redacted Investigation Files

If not the subject of the investigation, a child’s parents, foster parents, guardians or an attorney representing a child in child custody proceeding may request a redacted investigation file. The division shall disclose the redacted investigation file unless good cause for not sharing the information exists. “Good cause” may include concerns regarding safety, domestic violence, or coercive behavior. “Good cause” may also exist when records are sought in connection with a legal proceeding. District staff should consult with an Operations Manager if there is uncertainty regarding “good cause”.

A redacted investigation file includes the intake report, investigation activities summary, and case determination report or equivalent documents that are amended for confidentiality. The safety of the children, reporters, and other individuals mentioned in these documents must be considered when redacting files. The following information should always be redacted:

- Names – children, reporters, individuals who were interviewed or provided information, etc.
- Social Security numbers
- Dates of birth
- Addresses
- Phone numbers
- Information about a child who is not the subject of the report
- Medical, mental health, and substance abuse information that does not specifically relate to findings of abuse or neglect
- Information from open law enforcement investigations

Requests for redacted investigation files should be documented and tracked by each District Office. Copies of redacted investigation files shall be kept in case files.