

Key Points to Consider

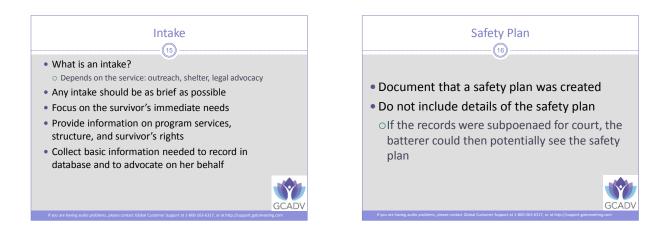
- What is the most critical information needed to provide services?
- Does it document services provided or is it something we would just like to know, or think we need to know, about the survivor?
- What can wait or be asked later?
- What could be potentially harmful to the survivor?
- What must be collected to report to funders?



Experience with Domestic Violence

- Find balance between documenting details and minimizing risk to the survivor's privacy
- Ok to keep public records such as court documents, police reports, TPOs, etc.
- Work with survivor to find safe storage for her documents, such as letters, journals, emails, etc.
- May include physical description of batterer/batterer's vehicle, to aid with safety planning
- Ok to include Lethality/danger factors







Meeting Funder Requirements

- Most funders are sensitive to survivors' privacy and even require confidentiality as a part of receiving the grant
- There may be information, however, that could reveal a survivor's identity that the grant provider would not easily consider
- The goal of documentation is to show that services are being provided according to grant requirements



Meeting Funder Requirements

- Know exactly what is required regarding record-keeping and retention
- When compiling reports, collect only the information required (Example: CJCC requires surveys, but there should be no identifying information attached)
- Communicate with funders if there are questions or concerns
- Remember that you are the protector of any information gathered from the survivor!





Other Documentation: Shift Change Notes, Shelter Living Notes, Staff Log, Etc.

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- Many programs keep informal notes to communicate key issues and concerns between staff.
- Special considerations:
- o Is there another way to share this info without documenting it?
- Be aware that these notes can be subpoenaed along with other records
- Keep these notes separate from client file or database/client management system
- $\,\circ\,$ Should be brief, objective and not contain full names of survivors
- $\,\circ\,$ Should be destroyed within 30 days of survivor exiting shelter
- Should only be accessible to staff who "need to know"

Consent Forms and Waivers

- Optional forms that may be included in the survivor's file
 - Consent to Release information
 - Receipt of Rights and Responsibilities
 - o Informed consent to receive services
 - Receipt of grievance procedure
 - Waivers for loss of personal property/injury
 - Emergency contact (be able to explain when this form will be used and how – what constitutes an emergency?)





Program Evaluation

- (25)
- · Some programs may look at trends to determine who is being served, the frequency of services being requested, and the effectiveness of the program (outcomes).
- Special Considerations:
- $\circ~$ Ensure that aggregate data that does not include any identifying information
- $\,\circ\,$ Anyone coming in from outside the agency should not have access to survivor files
- $\circ\;$ Utilize technology (tools within the database) to protect identifying information Weigh the survivor's right to privacy against the benefits of the
- evaluation

Electronic Records

- What information is "required" at your agency, and why is this information collected?
 - Avoid: social security number, driver's license number, full date of birth, list of medications
- How is this information generated into reports?
- How long is this information kept, and how is it used?
- As technology improves, and as we become better at utilizing it, privacy and confidentiality must always be primary considerations.





Scenario • DFCS calls your program and says she has a signed release of information from a survivors who's been attending your support group meetings. DFCS would like to confirm the survivor's attendance and discuss how the survivor is doing. DFCS faxes the signed release to you. How do you respond?

- You share basic information with DFCS about the survivor's attendance at support group. Afterward, you let the survivor know about your conversation with DFCS.
- You contact the survivor to let her know about the DFCS request for information and get the survivor's consent over the phone to let you speak with DFCS about her group attendance.
- You contact the survivor to let her know about the DFCS request and talk with her about signing a release of information from your program that giving you permission to speak with DFCS and outlining what you can share.
- You tell DFCS that you're not allowed to share information about survivors you work with and that she'll need to have the survivor contact your program to give consent for you to share information

Release of Information

- Programs DO NOT need releases in order to provide services
- Releases cannot be a condition of service
- Ask if there is another way to meet survivor's needs without needing a release?
 - Survivor shares information themselves
 - × 3-Way Calls, led by survivor

 - × Advocates make calls on behalf of survivor without releasing survivor's name (inquiries about bed space or services)



When are Releases Necessary? (30)

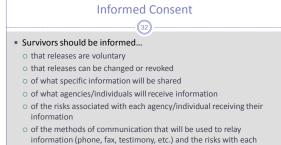
- Anytime a program is speaking with another agency or individual about a client of their program, a signed release must be obtained.
- Releases should be:
 - × Informed
 - × Written
 - × Reasonably Time-Limited

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Individual Releases

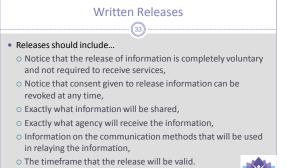
- · Blanket waivers (multiple agencies listed) should not be used by programs. Releases should be individual for each agency/outside contact.
- Asking for routine waivers fails to acknowledge the individual consequences that such information-sharing might have for each survivor.
- You cannot rely on a signed release from another agency.





method







Time-Limited

- The length of time a release is valid should be reasonable based on the individual survivor and the program
- Best practice is to keep the timeframe as minimal as possible (ideally 15-30 days)
- The time limitations help ensure that services are guided through any changes in the survivor's situation



What About Community Partnerships?

- Without a written release from the survivor, you cannot talk about specific cases/identifying information with community partners, law enforcement, task forces, etc.--even if you have a signed MOU/confidentiality statements with community partners.
- You can discuss:
 - General trends
 - × Hypothetical cases
 - × How your organization would respond in a variety of situations
- Encourage partners to use similarly detailed release forms and practices



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Written Policies

- It is important to have written policies describing what information will be documented in a survivor's file, and for how long that information will be kept
- The survivor should be made aware of these policies
- Find a balance between allowing staff to create and maintain records needed to successfully operate the program while also reducing the potential risk to the survivor



Conclusion (38)

- Utilize a "less is best" approach when choosing the right balance of documentation and privacy in your program
- Communicate with survivors about what is documented and how, and what are the risks
- Balance program functioning and reporting with best interest of survivors





Violence. 2011