

Bulletin

October 3, 2008

Minnesota Department of Human Services -- P.O. Box 64941 -- St. Paul, MN 55164-0941

OF INTEREST TO

- County Directors,
Social Services
Supervisors and Staff,
SSIS Coordinators and
Mentors
- Tribal Social Services
Directors and Staff in
the American Indian
Child Welfare
Initiative: Leech Lake
Band of Ojibwe and
White Earth Band of
Ojibwe

ACTION/DUE DATE

Please review.

EXPIRATION DATE

October 3, 2010

The Social Service Information System and Data Practices Guide

TOPIC

Legal requirements for responding to Social Service Information System (SSIS) data requests.

PURPOSE

To provide a guide for appropriate access to Social Service Information System (SSIS) data.

CONTACT

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SIGNED

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Background

The Social Service Information System (SSIS) is Minnesota's statewide social services computer system for documentation of all required county social service case management functions and duties. All Minnesota counties and two Minnesota tribes use SSIS as their case management system, and follow all reporting requirements. SSIS was created per 45 C.F.R. 1355.40 for the purpose of reporting data for all children in foster care for whom the State title IV-B/IV-E agency has responsibility for placement, care, or supervision. SSIS meets the reporting requirements specified by the Adoption and Foster Care Analysis and Reporting System (AFCARS), and the National Child Abuse and Neglect Data System (NCANDS). Common Entry Point reports of maltreatment of vulnerable adults must also be logged into SSIS per Minn. Stat. § 626.557, subd. 9(g).

SSIS data is protected and private, and in some instances, confidential. SSIS maintains information on individuals who receive a wide range of social service programs: child protection, child welfare, chemical dependency, developmental disabilities, adult protection, independent living services, etc. Program areas have unique requirements for release of data or authorization for access to data.

All counties and the two tribes with SSIS have their own databases. Their data is uploaded regularly to the statewide repository. In addition, SSIS has a statewide index (SWNDX) of clients who have been cleared as unique individuals by county/tribal social service agencies. SWNDX includes limited information on those who are in child protection or other social service programs, those who have been determined to be offenders of maltreatment, and those whose rights as parents have been terminated. Access to SSIS and SWNDX information is only as authorized by the county or tribal social service agency. Security within SSIS can be set to reflect the differing data practices in various programs.

ACTION REQUESTED

Counties and tribes must review the guidelines and ensure that procedures for authorizing access to SSIS follow requirements.

Statewide Case Access

Since March 2008, county and tribal social service agencies have the ability to request access to a case in another county or tribe in SSIS electronically. SSIS added statewide case access to fully comply with federal requirements for all State Automated Child Welfare Information Systems (SACWIS), per 45 C.F.R.1355.52, and the Child Abuse Prevention and Treatment Act (CAPTA) [42 U.S.C. § 5106a(5)].

Child Protection Requests

When any county, or Leech Lake Band of Ojibwe or White Earth Band of Ojibwe, receive a request to access a case with a request reason of “Child Protection,” authorization should be given for child protection and other child welfare programs within the agency. This authorization is required for disclosure to any federal, state or local entity, or agent of such entity that has a need for the information in order to carry out its responsibilities under law to protect children from abuse and neglect (per CAPTA). Minnesota Statute, section 626.556, subd. 10g addresses interstate and intrastate data exchange:

All reports and records created, collected, or maintained under this section by a local social service agency or law enforcement agency may be disclosed to a local social service or other child welfare agency of another state when the agency certifies that:

- (1) the reports and records are necessary in order to conduct an investigation of actions that would qualify as sexual abuse, physical abuse, or neglect under this section; and*
- (2) the reports and records will be used only for purposes of a child protection assessment or investigation and will not be further disclosed to any other person or agency.*

The local social service agency or law enforcement agency in this state shall keep a record of all records or reports disclosed pursuant to this subdivision and of any agency to which the records or reports are disclosed. If in any case records or reports are disclosed before a determination is made under subdivision 10e, or a disposition of any criminal proceedings is reached, the local social service agency or law enforcement agency in this state shall forward the determination or disposition to any agency that has received any report or record under this subdivision.

The county or tribe making this request must be assessing or investigating a child maltreatment report, or providing child protection case management services with a signed Notice of Privacy Practices, a signed Authorization for the Release of Information form, or a court order. When reviewing the request, the receiving county/tribe may request a fax of the Notice of Privacy Practices, the Authorization for the Release of Information form, or the court order, when the requesting agency is providing child protection case management services.

The agency receiving the access request should not routinely authorize access to all possible workgroups. Access to chemical dependency (CD), adult mental health (AMH), or other adult program workgroups, is restricted unless the requesting agency has a release of information for those specific cases or workgroups. Only when the information in the CD record meets the exceptions portion of the federal regulation covered under 42 C.F.R. 2.12(c) (6), reports of suspected child abuse and neglect, may access to the CD workgroup be authorized to any county or tribe assessing or investigating abuse and neglect.

There may be times when the information in the CD or AMH workgroup is clearly pertinent to the abuse/neglect of the maltreatment reports currently being investigated that access through

statewide case access in SSIS is allowed without a release or court order. When obtained for specific CD or AMH workgroups, court orders or releases should be faxed to the authorizing county/tribe.

The names of reporters of child maltreatment are specifically protected under Minnesota Statute, section 626.556, subd. 11, Records: *An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation except as otherwise permitted by this subdivision. Any person conducting an investigation or assessment under this section who intentionally discloses the identity of a reporter prior to the completion of the investigation or assessment is guilty of a misdemeanor. After the assessment or investigation is completed, the name of the reporter shall be confidential. The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by the court that the report was false and that there is evidence that the report was made in bad faith.*

Access to the requesting child protection agency of the identity of the reporter **is allowed and required** to any county or tribal agency assessing or investigating a report of child maltreatment per requirements in CAPTA. Minnesota was granted funds to create SSIS for the purpose of “developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange.” 42 U.S.C. § 5106a

This authorization is an *exchange of information* between child protection investigating agencies rather than a release of information to any entity outside of the local governmental agency without access to SSIS. Minnesota has a statewide information system which now allows a cohesive coordinated response to reports of maltreatment within the state.

Non Child Protection Emergencies

The requesting agency may send an access request with a reason of “Non CP Emergency”. This access should be authorized under Minn. Stat. § 13.46, subd. 2(a)(10). SSIS recommends a phone call to the authorizing agency with an explanation of the emergency circumstances and time constraints.

All Other Access Requests

The requesting agency has a third option of request reason “Other.” The requesting agency should fax a valid court order, a signed Authorization for Release of Information, or a signed Notice of Privacy Practices to the authorizing agency.

Minimum Necessary Requirement

In both disclosing and requesting protected health information (PHI), the social service agency must make reasonable efforts to limit PHI to the “minimum necessary” to accomplish the intended purpose of the use. The minimum necessary requirement does not apply to uses or disclosures that are required by law, as described by 45 C.F.R., 164.512 including but not limited to disclosure about victims of abuse, neglect, or domestic violence.

Special Needs

This information is available in other forms to people with disabilities by contacting us at (651) 431-4671 (voice) or toll free through the Minnesota Relay Services at 1 (800) 627-3529 (TTY) or the Speech-to-Speech Relay, call (877) 627-3848.