

**Department of Public Welfare Pennsylvania Code**  
**Title 55. Public Welfare Chapter 3680**  
**Administration and Operation of a Children and Youth Social Service Agency.**

**PERSONNEL AND CLIENT RECORDS**

**§ 3680.31. Personnel records.**

(a) The legal entity shall ensure that personnel records are maintained for each staff person it employs. The record shall contain at least the following information and additional information required by service-specific chapters:

(1) A job description.

(2) A copy of the medical certification required for employment and the results of subsequent examination or evaluation required by § 3680.22(b)(5) and (6) (relating to hiring practices, public and private agencies).

(3) Evidence of required training and education.

(4) Employment starting and termination dates.

(5) A statement, signed by the staff person, indicating that he is familiar with staff duties and responsibilities under 23 Pa.C.S. §§ 6301 – 6384 (relating to the Child Protective Services Law).

(b) The legal entity shall ensure that staff personnel records are retained for at least 5 years after the staff person's resignation, termination or retirement.

**§ 3680.32. Client records.**

The legal entity shall ensure that a complete record for each client receiving services is maintained by the agency. The record shall contain at least the following information and additional information required by service-specific chapters:

(1) The child's name, sex, date of birth and, except for an emergency placement, proof of age, such as a copy of a birth certificate, school record or court order in which age is documented.

(2) The name, address and phone number of the parents or guardian, as well as the name and phone number of the person to contact in an emergency, if different from the parents or guardian.

(3) The name and address of the placing agency.

(4) The date the client was accepted for service and the date of termination of service.

(5) Notation that the agency grievance procedure was explained to the child upon the child's acceptance for service.

(6) Authorization, signed by the placing agency, to provide services for the child or the family.

(7) Copies of court orders or court statements relating to the provision or termination of services, including authorization for emergency medical or other court-ordered services and transfer or discharge orders.

(8) Interstate Compact approval, if applicable, for children who are not residents of this Commonwealth.

(9) Family service plan information, as provided by the placing agency or other social service agency.

(10) Educational reports and records.

(11) The ISP, including brief, periodic reports relating to service activities.

(12) The emergency placement plan, if applicable.

(13) The results of required placement reviews, if applicable.

(14) Medical and dental records, if applicable.

(15) Necessary signed consent forms.

(16) The name, address, phone number and relationship of the person, agency or facility to whom the child is discharged or transferred, if the child is receiving full-day services.

**§ 3680.33. Maintenance and retention of client records.**

(a) The legal entity shall ensure that client records are maintained so that the Department may obtain, upon request, an up-to-date listing of each child or family receiving services.

(b) Client records shall be retained for 5 years following termination of services.

**§ 3680.34. Confidentiality of client records.**

(a) Information that may identify a child or the family, as well as other information contained in the client record, is confidential.

(b) The legal entity shall ensure that no staff person discloses or makes use of information, directly or indirectly, concerning a child or the family, or both, other than in the course of the performance of his duties.

**§ 3680.35. Release of information in client records.**

(a) The legal entity shall establish, and ensure adherence to, written policies and procedures regarding the release of information contained in client records.

(b) The policies and procedures shall include, at a minimum, the following provisions:

(1) Information contained in a client record. The information shall be disclosed, upon request, to:

(i) A child's parents or guardian.

(ii) A child's or parent's attorney.

(iii) A court and court services – probation – staff or county agency staff.

(iv) Authorized agents of the Department.

(v) The child, if 14 years of age or older. The agency may, withhold from a child information which it has good reason to believe will be harmful to the child. The basis for withholding information from a child shall be recorded in the child's case record.

(2) A requirement that the placing agency concurrence shall be obtained prior to withholding information from a child who requests information from his record.

(3) A stipulation that information contained in the client record may be released to volunteers and other providers of service. The amount and type of information to be released shall be determined by the legal entity and shall be limited to information needed by the service provider to carry out its responsibilities. The decision to release information shall be based on the legal entity's assessment of the individual case record and the responsibilities of a service provider. Information released may include part or all of the case record.

(4) A stipulation that information from the client record may not be released to a person or agency other than those specified in paragraphs (1) and (3) without prior authorization of the court.

(5) A stipulation that information from a record may be made available only when the information being released does not contain material which violates the right to privacy of another individual or is protected or made confidential by law, or both. This may not be construed to protect the right to privacy of a staff person employed by the agency.

(6) A stipulation that to the extent that information contained in the client record is protected by 23 Pa.C.S. Part III (relating to the Adoption Act), 23 Pa. C.S. §§ 6301 – 6384 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services), and that access to and release of information shall be in accordance with the statutes and this title.

(c) The legal entity may use, or authorize the use of, information contained in a client record for teaching or research purposes. Information used for teaching or research may not include names or other information which might identify, directly or indirectly, persons receiving services from the agency.

(d) The legal entity shall approve or disapprove, in writing, requests from persons not employed by the agency who wish to conduct research using client records.