

F. Release of Information

SAFE staff must obtain a Release of Information that is time-limited and based upon the client's informed consent, to disclose to any person identified by the client, the client's protected personal information that directly relates to that person's involvement in the client's services.

1. In order to ensure that the client is giving informed consent with the respect to the release of information, the following conditions must be met:
 - a. Clients are responsible for requesting a Release of Information. Releases of Information cannot be suggested or compelled by SAFE Staff as a condition of services.
 - b. When a client wants the program to release information to a third party, an advocate must review the requested information with the client and assist them in evaluating the benefits and drawbacks of releasing the information before the client decides whether or not to give consent for its release. The advocate must ensure that the client is informed regarding the scope of the information disclosed, the purpose of the disclosure of information, the duration for which the release is valid, and the ramifications of disclosure.
 - c. The client's consent must be in writing and must include the specific information to be released; the date the release is signed; the beginning and ending dates that the release is effective (not to exceed 30 days total); and the purpose for which the information is released. Blank release forms must never be signed.
 - d. Information that is released, once consent is given by the client, should be limited to that information which is essential to respond to the request.
 - e. A release of information form from another agency may not be substituted for a signed Release of Information Form from SAFE of Columbia County.
 - f. In cases involving minors, the minor's non-abusive parent or legal guardian will make the decision whether or not records or information are released, unless the minor or person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent.

2. Subpoenas and Court Orders

- a. Communications between SAFE clients and staff are considered “privileged” and cannot be compelled by a subpoena or court order, unless the client waves privilege. Subpoenas and court orders which require disclosure of personally identifying information about a SAFE client must be dealt with immediately. If an advocate receives a subpoena:
 - i. The staff person who receives the subpoena should immediately notify the Executive Director that a subpoena was received. The staff person should record the time, date, place and method of delivery (was the subpoena sent by mail? handed over to whomever answered the door? Personally delivered to the individual named in the caption?)
 - ii. Contact and inform SAFE of Columbia County’s attorney of the subpoena or court order. Together, discuss the subpoena or court order response strategy.
 - iii. Contact the client and notify them of the court order or subpoena. Ask if the client consents to some, all or none of the release. Let the client know what information their records contain. Together, identify and discuss the potential risks and benefits of consenting to the records’ disclosure. Carefully review with the client the implications of waiving a privilege. If the client consents to release of information, the participant should sign an authorization indicating that she or he consents to the release of information for this purpose. When releasing information in response to a subpoena, it is important to clarify with the client what information is contained in the record and to confirm that the client is prepared for the disclosure of detailed personal information in court.
 - iv. If the client does not consent to release or is unavailable to provide her or his consent, SAFE’s attorney or Executive Director may contact the attorney that issued the subpoena, preferably in writing, acknowledging receipt of the subpoena and stating, as a general matter, that while SAFE of Columbia County cannot confirm or deny whether this individual has received services from the agency, information about all clients is privileged and confidential, and, pursuant to Oregon House Bill 3476, cannot be released without written consent of the client.
3. For the protection of clients’ privacy, only SAFE staff and residents of the Starting Place Shelter are permitted unaccompanied on SAFE’s premises. Only SAFE Staff may approve non-SAFE-personnel or non-residents to enter the facility. Only SAFE clients and those with official business as it relates to the operation and mission of SAFE may be approved for admission. Non-SAFE-personnel and non-residents must be accompanied by a SAFE staff person at all times while on the premises. The Starting Place’s residents will be instructed to call SAFE’s 24 hour help line and request an advocate for assistance for anyone requesting to enter facility after regular business hours.
4. Arrest and Search Warrants

- a. If an officer produces an arrest or search warrant, SAFE staff shall comply with the warrant.
- b. The staff person answering the door should immediately alert the Executive Director to the search warrant, and, if the Executive Director cannot be located, the chair of the board should be notified of the warrant. SAFE's attorney should be immediately apprised of the situation as well.
- c. The warrant should be scrutinized for its validity. If there are defects on the warrant, the Executive Director should contact the issuing body to validate the warrant.
- d. If the warrant is for anything other than a resident in the shelter, the officer should be asked to wait until the women and children residing in the shelter may be informed and elect to remain in the building or temporarily exit while the search takes place.
- e. If the warrant is for a particular individual, the staff person should advise the client that SAFE prefers the client cooperate with the warrant rather than expose all of the other residents and staff to disclosure upon a search.
- f. Should staff learn of an arrest warrant before it is effectuated, staff should notify the person subject to the arrest warrant of issuance and encourage the client to immediately contact counsel and turn themselves in to the issuing authority or police department. SAFE is not obliged to assist law enforcement in effecting the arrest.

5. Child Abuse Reporting and Child Protective Services Investigations

- a. SAFE clients and residents of The Starting Place shelter are permitted to disclose another client's personal information to Oregon Child Protective Services only via the child abuse hotline if they believe that a child has been neglected or abused. Clients should discuss this with an advocate for guidance on reporting, safety concerns, and protecting other clients' personal information.
- b. A SAFE employee may only disclose client's personal information to Oregon Child Protective Services only if that employee is a mandatory reporter under ORS 419B.005-0.050 and believes that a child has been neglected or abused. Only that information which is required by law to be in a report and which is available at the time the report is made is authorized for disclosure. SAFE employees who are mandatory reporters are required to inform clients of their mandate prior to delivering services.
- c. If the parent or guardian is willing to report the abuse themselves, the employee will have complied with the requirement for reporting if they assist in making the report.
- d. If the parent or guardian is not willing to report the abuse themselves, the employee should inform them that the employee must report, and shall do so.
- e. If Child Protective Services responds to SAFE offices, or The Starting Place Shelter to investigate a report of child abuse or neglect, SAFE staff shall support families in working with Child Protective Services and maintaining in

- the safety of their children.
- f. The staff person answering the door should advise the Child Protective Services worker that all non-residents and non-SAFE-personnel must be accompanied by a SAFE staff person at all times while on the premises; and although SAFE can neither confirm nor deny a client is staying in the shelter, policy is to support families in working with Child Protective Services and maintaining the safety of their children.
 - g. The Child Protective Services worker should be asked to wait in the lobby or in a private meeting room while clients are notified of Child Protective Services' presence, in which case the client, if residing at the shelter, may or may not choose to meet with the worker.
 - h. If the nature of the Child Protective Services investigation requires entry into the shelter, the worker should be asked to wait until those women and children residing in the shelter may be informed and elect to remain in the building or temporarily exit while the investigation takes place. SAFE staff must accompany the worker at all times while on the premises.
 - i. The SAFE staff person should advise families of their rights and offer support in meeting with Child Protective Services rather than expose all of the other residents and staff to disclosure.
 - j. Should staff learn of a Child Protective Services response before it is effectuated, staff should offer Child Protective Services and the client support in meeting with Child Protective Services.
6. Agency Initiated Disclosure: Only the Executive Director or their designee has the authority to make a decision regarding disclosure without written consent of a client. The decision should be exercised carefully and should only be exercised in the following circumstances:
- a. If a situation involves a medical emergency which is life-threatening to the client or child, and the client is not able to authorize release or the client cannot be timely found, pertinent information limited to the medical emergency may be released without signed consent. However, the client must be notified orally and in writing as soon as possible.
 - b. If SAFE intends to use the story of any client in community education or external communication with enough particularity that a person outside of SAFE might identify the client, SAFE must obtain written permission for the use of the story from the client, who may specify limitations on the scope and circumstance of its usage.