

At a Glance

Client Record Keeping for Advocates



WHO? You.

Advocates have the responsibility and privilege of keeping records in a way that protects client information, maintains confidentiality, and collects the information required by funders.



WHAT? Less is best.

Record the minimum information necessary to help accomplish the client's purposes and meet funding requirements. Documentation should focus on factual information such as services provided. Do not record speculations, safety planning, or other details that, in the wrong hands, could cause more harm than good.



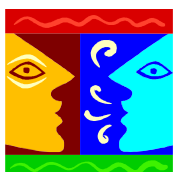
WHERE? Lock it up.

Records should be kept in a locked file with access limited to pertinent staff.



WHEN? Only when a client says so.

Clients are in charge of how and when their information is shared. Clients must request information-sharing in writing (via a Release of Information). Make sure you are clear about who they want to have their information, what exactly should be shared, and why they want the information shared.



HOW? Talk it out.

Talk to survivors about how information sharing works at the beginning of the advocacy relationship. Let them know that you will keep their information confidential and that you and your program are committed to releasing information ONLY when she has asked you to and ONLY after you have discussed together how that information will or could be used. Help the client understand the potential positive and negative consequences of sharing information. Be sure to talk to them about the times when you are required to make exceptions to this practice.



WHY? Information is Powerful.

Federal and state laws protect survivor information, and advocates and programs could be held liable for inappropriately releasing information. Client records contain personal information that could impact safety. Assuring that the client determines what information is shared, and to whom, is central to client safety, autonomy, and self-determination. Always remember that client information BELONGS to the client, not the program.



EXCEPTIONS! But wait!

You may be required to release information without a client's written permission,

- 1) **In the event of a court order**, after a judge privately reviews the records to determine their relevance. It's best to seek legal counsel before releasing records in response to court orders and subpoenas.
- 2) **If the program suspects child abuse or neglect**, you are required to contact Child Protective Services. Be aware that CPS may ask for the child's *relevant* records. CPS does not have the right to request the parent's records. This is a good reason to keep separate files for parents and children.
- 3) **If the program knows there is potential suicidal behavior or threat of harm to others** that is likely to result in a clear, imminent risk of serious physical injury or death to themselves or another person.



What I need to know about my Program's Policies

- I have read and know where to find our policy on written records or client notes.
- The person who is in charge of destroying client records is _____ and they do it every _____.
- If someone wants to serve me a subpoena or law enforcement demands information or records, I will contact our program's designated person, _____ for help.
- If I need help with confidentiality or record keeping, I can talk to _____.
- I know the steps to take when an outside party is requesting information or records.
- I know the steps to take when a client requests records or asks me to send records to an outside entity.

For detailed information, check out the following support publications

- Model Release of Information and model Notice of Participants Right to Confidentiality
<http://www.wscadv.org/resourcesPublications.cfm>
- Model protocol on Record-Keeping when Working with Battered Women,-2007 WSCADV
<http://www.wscadv.org/resourcesPublications.cfm>
- Model Protocol on Confidentiality When Working with Battered Women-2007 WSCADV
<http://www.wscadv.org/resourcesPublications.cfm>
- A Fresh Look at Confidentiality, New tools for protecting Survivor's information-2006 WSCADV
<http://www.wscadv.org/resourcesPublications.cfm>
- Confidentiality, An Advocate's Guide-2007 The Battered Women's Justice Project
http://data.ipharos.com/bwjp/documents/Confidentiality_Advocates_Guide.pdf
- Learning the laws on Confidentiality-WSCADV On-Line Course-2007
<http://www.wscadv.org/onlineTraining.cfm>