Sharing information regarding services to children and families

Notes to Grid:

* This grid highlights the most relevant provisions of applicable confidentiality law when agencies are sharing information related to service provision to youth. The descriptions are brief. Agencies and providers should reference the cited law for more information on how to implement the specific exception.
* This grid does not reference every information-sharing provision and exception in each law. Rather, key provisions were selected based on the information sharing goals of this project. The grid therefore should be understood in that context and not assumed to include everything.
* Where an authorization to release information is required, often the applicable law requires the release form include certain information and/or elements to be valid. The law also will define who may or must sign the release. It is important to reference the applicable law for this information.
* Often there are limits that restrict the recipient of information from re-disclosing information. It is important to understand how these work.
* Many confidentiality laws include exceptions that allow release of information for research or data analysis. These exceptions are not referenced in this chart.
* Where health information is housed in another agency’s file (for example, in social services files), there may be applicable health confidentiality laws to consider as well as the laws that control release of information in the agency file.

**Note: the columns in the tables below indicate the “Recipients of Information.”**

**Giver of Information – School Official****[[1]](#endnote-1)**

| **Local School Division**1 | **Substance Abuse Provider** | **Mental Health** | **Department of Social Services/ Child Welfare** | **CASA Worker** | **Law Enforcement** | **DJJ** |
| --- | --- | --- | --- | --- | --- | --- |
| School staff on same campus may access information in education record[[2]](#endnote-2) of students if they have “legitimate educational interests” in information.[[3]](#endnote-3)See next row | See next row | See next row | May share information necessary in order to satisfy mandated child abuse reporting duty.[[4]](#endnote-4) May share any information with agency caseworker when agency is legally responsible for care and protection of student (with restrictions on re-disclosure).[[5]](#endnote-5)See next row | Shall permit CASA to inspect and copy records relating to the child after CASA shows appointment order and specific court order regarding records access.[[6]](#endnote-6)See next row | See next row | See next row |
| * May share information obtained through personal knowledge or observation.[[7]](#endnote-7)
* May share directory information.[[8]](#endnote-8)
* May share pursuant to FERPA compliant release of information form dated and signed by parent, guardian, or adult student.[[9]](#endnote-9)
* May share pursuant to health and safety emergency exception.[[10]](#endnote-10)
* May share if required by court order or lawful subpoena.[[11]](#endnote-11)
* May share de-identified information (personally identifiable information removed) in certain circumstances.[[12]](#endnote-12)
 |

**Giver of Information - Substance Abuse Providers**[[13]](#endnote-13)

| **Local School Division**1 | **Substance Abuse Provider** | **Mental Health** | **Department of Social Services/ Child Welfare** | **CASA Worker** | **Law Enforcement** | **DJJ** |
| --- | --- | --- | --- | --- | --- | --- |
| See next row | See next row | See next row | May share information necessary in order to satisfy mandated child abuse reporting duty.[[14]](#endnote-14) See next row | See next row | See next row | See next row |
| * May share pursuant to 42 CFR Part 2 compliant release of information form.[[15]](#endnote-15)
* May share pursuant to 42 CFR Part 2 compliant court order.[[16]](#endnote-16) Must share if there are both subpoena and a court order.[[17]](#endnote-17)
* May share in medical emergency with medical personnel who need the information to treat emergency situation.[[18]](#endnote-18)
 |

**Giver of Information - Mental health providers licensed, funded, operated by Department of Behavioral Health****[[19]](#endnote-19)**

| **Local School Division**1 | **Substance Abuse Provider** | **Mental Health** | **Department of Social Services/ Child Welfare** | **CASA Worker** | **Law Enforcement** | **DJJ** |
| --- | --- | --- | --- | --- | --- | --- |
| See next row | May share with another provider information required to give services to the minor.[[20]](#endnote-20)See next row | May share with another provider information required to give services to the minor.[[21]](#endnote-21)See next row | May share information necessary in order to satisfy mandated child abuse reporting duty.[[22]](#endnote-22)See next row | Shall permit CASA to inspect and copy records relating to the child after CASA shows appointment order and specific court order regarding records access.[[23]](#endnote-23)See next row | Pursuant to a search warrant or a grand jury subpoena.[[24]](#endnote-24)See next row | See next row |
| * May share pursuant to a HIPAA and state law compliant authorization to release information.[[25]](#endnote-25)
* May disclose in an emergency to any person who needs the information to prevent injury or death of an individual or another person. Shall not disclose information not needed for this purpose.[[26]](#endnote-26)
* May disclose facts necessary to alleviate potential threat if person receiving services makes a specific threat to cause serious bodily injury or death to an identified or readily identifiable person and provider reasonably believes individual has intent and ability to carry out threat immediately.[[27]](#endnote-27)
* May disclose if another state law or regulation requires or permits disclosure[[28]](#endnote-28)
 |

**Giver of Information - Mental Health Inpatient facilities[[29]](#endnote-29) licensed, funded or operated by Department of Behavioral Health19**

| **Local School Division**1 | **Substance Abuse Provider** | **Mental Health** | **Department of Social Services/ Child Welfare** | **CASA Worker** | **Law Enforcement** | **DJJ** |
| --- | --- | --- | --- | --- | --- | --- |
| See next row | Health providers shall disclose to one another health records and information where necessary to provide care and treatment to the minor and to monitor that care and treatment.[[30]](#endnote-30)See next row | Health providers[[31]](#endnote-31) shall disclose to one another health records and information where necessary to provide care and treatment to the minor and to monitor that care and treatment.[[32]](#endnote-32)Shall disclose information necessary and appropriate to community services board or its designee performing the evaluation, preadmission screening, or monitoring duties33 See next row | May share information necessary in order to satisfy mandated child abuse reporting duty.[[33]](#endnote-33) See next row | Shall permit CASA to inspect and copy records relating to the child after CASA shows appointment order and specific court order regarding records access.[[34]](#endnote-34)See next row | Upon request, shall disclose to law enforcement officer information from minor’s record necessary to protect the officer, the minor or the public from physical injury or to address the health care needs of the minor. Information shall not be used for any other purpose, disclosed to others or retained.[[35]](#endnote-35)See next row | See next row |
| * May share pursuant to a HIPAA and state law compliant authorization to release information.[[36]](#endnote-36)
* May disclose in an emergency to any person who needs the information to prevent injury or death of an individual or another person. Shall not disclose information not needed for this purpose.[[37]](#endnote-37)
* May disclose facts necessary to alleviate potential threat if person receiving services makes a specific threat to cause serious bodily injury or death to an identified or readily identifiable person and provider reasonably believes individual has intent and ability to carry out threat immediately.[[38]](#endnote-38)
* May disclose if another state law or regulation requires or permits disclosure[[39]](#endnote-39)
 |

**Giver of Information - Department of Social Services/Child Welfare**

| **Local School Division**1 | **Substance Abuse Provider** | **Mental Health** | **Department of Social Services/ Child Welfare** | **CASA Worker** | **Law Enforcement** | **DJJ** |
| --- | --- | --- | --- | --- | --- | --- |
| Local department shall notify the Superintendent of Public Instruction when an individual holding a BoE license is the subject of a founded complaint of child abuse or neglect and shall transmit identifying information regarding such individual in certain situations.[[40]](#endnote-40)See next row | See next row | See next row | May see social services records.[[41]](#endnote-41)See next row | Shall permit CASA to inspect and copy records relating to the child after CASA shows appointment order and specific court order regarding records access.[[42]](#endnote-42)See next row | Local department shall notify local law enforcement regarding specified complaints of child abuse or neglect.[[43]](#endnote-43)See next row | See next row |
| * May be disclosed to any person having a “legitimate interest”[[44]](#endnote-44) as that is defined by state law.[[45]](#endnote-45)
* May be disclosed to hospital and community based multidisciplinary teams, as defined in 63.2-1503(J) and (K), for the purposes set out in those code sections, including  coordinating medical, social, and legal services for the children and their families.[[46]](#endnote-46)
 |

**Giver of Information - CASA**

| **Local School Division**1 | **Substance Abuse Provider** | **Mental Health** | **Department of Social Services/ Child Welfare** | **CASA Worker** | **Law Enforcement** | **DJJ** |
| --- | --- | --- | --- | --- | --- | --- |
| See next row | See next row | See next row | May share in order to satisfy mandated child abuse reporting duty.[[47]](#endnote-47)See next row | See next row | See next row | See next row |
| * Shall not disclose the contents of any document or record to which he becomes privy, which is otherwise confidential pursuant to the provisions of this Code, except upon order of a court of competent jurisdiction.
 |

**Giver of Information - Law enforcement**

| **Local School Division**1 | **Substance Abuse Provider** | **Mental Health** | **Department of Social Services/ Child Welfare** | **CASA Worker** | **Law Enforcement** | **DJJ** |
| --- | --- | --- | --- | --- | --- | --- |
| May share with school principal that a student is a suspect in certain violent crimes[[48]](#endnote-48)See next row | See next row | See next row | May share in order to satisfy mandated child abuse reporting duty.[[49]](#endnote-49)See next row | Shall permit CASA to inspect and copy records relating to the child after CASA shows appointment order and specific court order regarding records access.[[50]](#endnote-50)See next row | May share youth records among law enforcement agencies for criminal investigative or intelligence information[[51]](#endnote-51)See next row | May allow inspection by agencies to which minor is currently committed and those responsible for supervision after release[[52]](#endnote-52)See next row |
| * May share if court order and has legitimate interest in the case or work of law enforcement.[[53]](#endnote-53)
 |

**Giver of Information - Department of Juvenile Justice (DJJ)**

| **Local School Division**1 | **Substance Abuse Provider** | **Mental Health** | **Department of Social Services/ Child Welfare** | **CASA Worker** | **Law Enforcement** | **DJJ** |
| --- | --- | --- | --- | --- | --- | --- |
| See next row | Pursuant to written authorization if to individual treating or responsible for the treatment of youth.[[54]](#endnote-54)See next row | Pursuant to written authorization if to individual treating or responsible for the treatment of youth.[[55]](#endnote-55)See next row | May share in order to satisfy mandated child abuse reporting duty.[[56]](#endnote-56) The Department may request, and shall receive from the records of all departments, boards, bureaus or other agencies of this Commonwealth …information as is necessary for the purpose of carrying out the provisions and programs of this title, and the same are authorized to provide such information; provided that, a written statement from the requesting party stating the reason for seeking such record is submitted and filed with the record sought.[[57]](#endnote-57) | Shall permit CASA to inspect and copy records relating to the child after CASA shows appointment order and specific court order regarding records access.[[58]](#endnote-58)See next row | See next row | See next row |
| * Shall be open to any agency or institution having legitimate interest in the youth, with order of court[[59]](#endnote-59)
* Shall be open to any person who is treating or providing services to youth pursuant to a contract with the Department of Juvenile Justice or the Virginia Juvenile Community Crime Control Act.[[60]](#endnote-60)
* To any person having a legitimate interest when (i) release of information is for provision of treatment or rehabilitation services for the juvenile, OR (ii) requesting party has custody or is providing supervision for juvenile and release is in interest of security, OR (iii) release is for consideration of admission to any group home, residential facility, or post-dispositional facility.[[61]](#endnote-61)
 |

**Giver of Information - Domestic Violence Programs[[62]](#endnote-62)**

| **Local School Division**1 | **Substance Abuse Provider** | **Mental Health** | **Department of Social Services/ Child Welfare** | **CASA Worker** | **Law Enforcement** | **DJJ** |
| --- | --- | --- | --- | --- | --- | --- |
| See next row | See next row | See next row | May share in order to satisfy mandated child abuse reporting duty.[[63]](#endnote-63) See next row | See next row | May share information necessary for law enforcement and prosecution purposes.[[64]](#endnote-64)See next row | See next row |
| * May disclose pursuant to compliant release of information[[65]](#endnote-65)
* May disclose pursuant to court order but must make reasonable attempts to provide notice to victims affecting disclosure[[66]](#endnote-66)
* May disclose non-personally identifying data in the aggregate in order to comply with evaluation or data collection requirements.[[67]](#endnote-67)
 |

1. Employees of educational agencies that receive federal funds under programs administered by the U.S. Secretary of Education and thus are subject to the Family Educational Rights and Privacy Act. (FERPA). 20 U.S.C. § 1232g, 99 C.F.R. § 99.1(a). [↑](#endnote-ref-1)
2. 20 U.S.C. § 1232g(a)(4)(A), 34 C.F.R. § 99.3 (defining “education record”). [↑](#endnote-ref-2)
3. 20 U.S.C. § 1232g(b)(1), 34 C.F.R. § 99.7(a)(3)(iii)(“Legitimate Educational Interests” exception). [↑](#endnote-ref-3)
4. U.S. Dep’t of Educ. Family Compliance Policy Office, Letter to University of New Mexico re: Applicability of FERPA to Health and Other State Reporting Requirements, Nov. 29, 2004; Va. Code Ann. 63.2-1509(A) summarizes the professionals who must make a child abuse report when they suspect that a child is abused or neglected. [↑](#endnote-ref-4)
5. 20 USC § 1232g(b)(1)(L)(“an agency caseworker or other representative of a [State](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=20-USC-80204913-1499524878&term_occur=146&term_src=title:20:chapter:31:subchapter:III:part:4:section:1232g) or local child welfare agency, or tribal organization (as defined in [section 5304 of title 25](https://www.law.cornell.edu/uscode/text/25/5304)), who has the right to access a student’s case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student’s education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student’s education records. Nothing in subparagraph (E) of this paragraph shall prevent a [State](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=20-USC-80204913-1499524878&term_occur=147&term_src=title:20:chapter:31:subchapter:III:part:4:section:1232g) from further limiting the number or type of [State](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=20-USC-80204913-1499524878&term_occur=148&term_src=title:20:chapter:31:subchapter:III:part:4:section:1232g) or local officials who will continue to have access thereunder.”). [↑](#endnote-ref-5)
6. Va Code Ann. § 9.1-156(CASA); 20 U.S.C. § 1232g(b)(1), 34 C.F.R. § 99.31(a)(10), 34 C.F.R. § 99.36 (authorizing release pursuant to court order). [↑](#endnote-ref-6)
7. 20 U.S.C. § 1232g(a)(4)(A), 34 C.F.R. § 99.3 (defining what is and is not an “education record” protected by FERPA). See “*FERPA General Guidance for Students*” available at https://www2.ed.gov/policy/gen/guid/fpco/ferpa/students.html [↑](#endnote-ref-7)
8. 34 C.F.R. § 99.31(a)(11), § 99.37 (directory information exception). [↑](#endnote-ref-8)
9. 20 U.S.C. § 1232g(b)(2), 34 C.F.R. § 99.30. [↑](#endnote-ref-9)
10. 20 U.S.C. § 1232g(b)(1), 34 C.F.R. § 99.31(a)(10), 34 C.F.R. § 99.36 (“An educational agency or institution may disclose personally identifiable information from an education record to appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.”). [↑](#endnote-ref-10)
11. 34 C.F.R. § 99.31(a)(9)(i) (court order exception). [↑](#endnote-ref-11)
12. 34 C.F.R. § 99.31(b) (de-identified data exception). [↑](#endnote-ref-12)
13. 12 Va. Admin Code § 35-115-80 (those that provide substance abuse services and are licensed, funded, or operated by Department of Behavioral Health also must comply with 42 CFR Part 2.). [↑](#endnote-ref-13)
14. *See* Va Code Ann. § 63.2-1509(mandated reporting duty and professionals who are mandated reporters); 42 C.F.R. § 2.12. [↑](#endnote-ref-14)
15. 42 CFR §§ 2.31, 2.33. [↑](#endnote-ref-15)
16. 42 CFR § 2.61-2.67. [↑](#endnote-ref-16)
17. 42 C.F.R. § 2.61. [↑](#endnote-ref-17)
18. 42 C.F.R. § 2.51. [↑](#endnote-ref-18)
19. Providers licensed, funded or operated by Department of Behavioral Health and Develpmental Services 12 Va. Admin Code § 35-115-10(B) defines precisely who is subject to these regulations. [↑](#endnote-ref-19)
20. Va. Code Ann. § 32.1-127.1:03; 12 Va Admin. Code § 35-115-80(B)(8)(b). [↑](#endnote-ref-20)
21. 12 Va Admin. Code § 35-115-80(B)(8)(b). [↑](#endnote-ref-21)
22. *See* Va Code Ann. § 63.2-1509(mandated reporting duty and professionals who are mandated reporters). [↑](#endnote-ref-22)
23. Va Code Ann. § 9.1-156. [↑](#endnote-ref-23)
24. Va. Code Ann. § 32.1-127.1:03(D); 12 Va. Admin. Code § 35-115-80(B)(8)(n). [↑](#endnote-ref-24)
25. See Va. Code Ann. § 32.1-127.1:03(D); 12 Va. Admin. Code § 35-115-80(A), (B)(2). [↑](#endnote-ref-25)
26. Va. Code Ann. § 32.1-127.1:03(D); 12 Va. Admin Code § 35-115-80(B)(8)(a). [↑](#endnote-ref-26)
27. Va. Code Ann. § 32.1-127.1:03(D); Va. Code Ann. 54.1-2400.1; 12 Va. Admin. Code § 35-115-80(B)(8)(j). [↑](#endnote-ref-27)
28. Va. Code Ann. § 32.1-127.1:03(D); 12 Va. Admin Code § 35-115-80(A), (B)(8)(o). [↑](#endnote-ref-28)
29. Va. Code Ann § 16.1-336(“’Inpatient Treatment’ means placement for observation, diagnosis, or treatment of mental illness in a psychiatric hospital or in any other type of mental health facility determined by the Department of Behavioral Health and Developmental Services to be substantially similar to a psychiatric hospital with respect to restrictions on freedom and therapeutic intrusiveness.”). [↑](#endnote-ref-29)
30. Va. Code Ann. § 16.1-337(B)(Psychiatric Treatment of Minors Act – “Inpatient treatment of minors”). [↑](#endnote-ref-30)
31. Va Code Ann. § 16.1-337(citing 32.1-127.1:03), Va. Code Ann. 32.1-127.1:03(defining health care provider)( *"Health care provider"* means those entities listed in the definition of "health care provider" in [§ 8.01-581.1](https://advance.lexis.com/document/?pdmfid=1000516&crid=e13a7077-e391-488c-a48a-aac8c836732a&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5KDX-T130-004G-J0N7-00000-00&pddocid=urn%3AcontentItem%3A5KDX-T130-004G-J0N7-00000-00&pdcontentcomponentid=10816&pdteaserkey=sr0&ecomp=28mhk&earg=sr0&prid=5eef2e37-0e5d-47cf-8b1c-60fea48de075), except that state-operated facilities shall also be considered health care providers for the purposes of this section. Health care provider shall also include all persons who are licensed, certified, registered or permitted or who hold a multistate licensure privilege issued by any of the health regulatory boards within the Department of Health Professions, except persons regulated by the Board of Funeral Directors and Embalmers or the Board of Veterinary Medicine.) Va. Code Ann. 8.01-581.1(“*"Health care provider"* means (i) a person, corporation, facility or institution licensed by this Commonwealth to provide health care or professional services as a physician or hospital, dentist, pharmacist, registered nurse or licensed practical nurse or a person who holds a multistate privilege to practice such nursing under the Nurse Licensure Compact, nurse practitioner, optometrist, podiatrist, physician assistant, chiropractor, physical therapist, physical therapy assistant, clinical psychologist, clinical social worker, professional counselor, licensed marriage and family therapist, licensed dental hygienist, health maintenance organization, or emergency medical care attendant or technician who provides services on a fee basis; (ii) a professional corporation, all of whose shareholders or members are so licensed; (iii) a partnership, all of whose partners are so licensed; (iv) a nursing home as defined in § 54.1-3100 except those nursing institutions conducted by and for those who rely upon treatment by spiritual means alone through prayer in accordance with a recognized church or religious denomination; (v) a professional limited liability company comprised of members as described in subdivision A 2 of § 13.1-1102; (vi) a corporation, partnership, limited liability company or any other entity, except a state-operated facility, which employs or engages a licensed health care provider and which primarily renders health care services; or (vii) a director, officer, employee, independent contractor, or agent of the persons or entities referenced herein, acting within the course and scope of his employment or engagement as related to health care or professional services.”). [↑](#endnote-ref-31)
32. Va. Code Ann. § 16.1-337(B)(Psychiatric Treatment of Minors Act – “Inpatient treatment of minors”)(“Any health care provider, as defined in [§ 32.1-127.1:03](https://advance.lexis.com/document/?pdmfid=1000516&crid=2aee84ac-e3d3-4056-8dd0-81531684fbab&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5SNK-XCH0-004G-J06V-00000-00&pdtocnodeidentifier=ACBAAMAAUAAE&ecomp=r77fk&prid=31770ff9-e503-44c9-8eb5-bb6e8986161a), or other provider rendering services to a minor who is the subject of proceedings under this article, upon request, shall disclose to a magistrate, the juvenile intake officer, the court, the minor's attorney, the minor's guardian ad litem, the qualified evaluator performing the evaluation required under [§§ 16.1-338](https://advance.lexis.com/document/?pdmfid=1000516&crid=2aee84ac-e3d3-4056-8dd0-81531684fbab&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5SNK-XCH0-004G-J06V-00000-00&pdtocnodeidentifier=ACBAAMAAUAAE&ecomp=r77fk&prid=31770ff9-e503-44c9-8eb5-bb6e8986161a), [16.1-339](https://advance.lexis.com/document/?pdmfid=1000516&crid=2aee84ac-e3d3-4056-8dd0-81531684fbab&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5SNK-XCH0-004G-J06V-00000-00&pdtocnodeidentifier=ACBAAMAAUAAE&ecomp=r77fk&prid=31770ff9-e503-44c9-8eb5-bb6e8986161a), and [16.1-342](https://advance.lexis.com/document/?pdmfid=1000516&crid=2aee84ac-e3d3-4056-8dd0-81531684fbab&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5SNK-XCH0-004G-J06V-00000-00&pdtocnodeidentifier=ACBAAMAAUAAE&ecomp=r77fk&prid=31770ff9-e503-44c9-8eb5-bb6e8986161a), the community services board or its designee performing the evaluation, preadmission screening, or monitoring duties under this article, or a law-enforcement officer any and all information that is necessary and appropriate to enable each of them to perform his duties under this article. These health care providers and other service providers shall disclose to one another health records and information where necessary to provide care and treatment to the person and to monitor that care and treatment. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the minor, or the public from physical injury or to address the health care needs of the minor. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained. Any health care provider providing services to a minor who is the subject of proceedings under this article shall make a reasonable attempt to notify the minor's parent of information that is directly relevant to such individual's involvement with the minor's health care, which may include the minor's location and general condition, in accordance with subdivision D 34 of [§ 32.1-127.1:03](https://advance.lexis.com/document/?pdmfid=1000516&crid=2aee84ac-e3d3-4056-8dd0-81531684fbab&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5SNK-XCH0-004G-J06V-00000-00&pdtocnodeidentifier=ACBAAMAAUAAE&ecomp=r77fk&prid=31770ff9-e503-44c9-8eb5-bb6e8986161a), unless the provider has actual knowledge that the parent is currently prohibited by court order from contacting the minor. No health care provider shall be required to notify a person's family member or personal representative pursuant to this section if the health care provider has actual knowledge that such notice has been provided. Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act [(42 U.S.C. § 1320d](https://advance.lexis.com/document/?pdmfid=1000516&crid=2aee84ac-e3d3-4056-8dd0-81531684fbab&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5SNK-XCH0-004G-J06V-00000-00&pdtocnodeidentifier=ACBAAMAAUAAE&ecomp=r77fk&prid=31770ff9-e503-44c9-8eb5-bb6e8986161a) et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.”) [↑](#endnote-ref-32)
33. *See* Va Code Ann. § 63.2-1509(mandated reporting duty and professionals who are mandated reporters). [↑](#endnote-ref-33)
34. Va. Code Ann. § 9.1-156. [↑](#endnote-ref-34)
35. Va. Code Ann. § 16.1-337(B)(Psychiatric Treatment of Minors Act -“Inpatient treatment of minors”)(“Any health care provider, as defined in 32.1-127.1:03, or other provider rendering services to a minor who is the subject of proceedings under this article, upon request, shall disclose to…law-enforcement officer…information necessary to protect the officer, the minor, or the public from physical injury or to address the health care needs of the minor.”). [↑](#endnote-ref-35)
36. See 12 Va. Admin. Code § 35-115-80(A), (B)(2). [↑](#endnote-ref-36)
37. 12 Va. Admin Code § 35-115-80(B)(8)(a). [↑](#endnote-ref-37)
38. 12 Va. Admin. Code § 35-115-80(B)(8)(j). [↑](#endnote-ref-38)
39. 12 Va. Admin Code § 35-115-80(A), (B)(8)(o). [↑](#endnote-ref-39)
40. Va. Code Ann. § 63.2-1503(P). [↑](#endnote-ref-40)
41. Va. Code Ann. § 63.2-104. [↑](#endnote-ref-41)
42. Va Code Ann. § 9.1-156. [↑](#endnote-ref-42)
43. Va Code Ann. § 36.2-1503(D). [↑](#endnote-ref-43)
44. Va. Code Ann. § 63.2-104, 63.2-105(A)(Legitimate interest if “ in the judgment of the local department such disclosure is in the best interest of the child who is the subject of the records. Persons having a legitimate interest in child-protective services records of local departments include, but are not limited to, (i) any person who is responsible for investigating a report of known ro suspected abuse or neglect or for providing services to a child or family that is the subject of a report, including multid.isciplinary teams and family assessment and planning teams referenced in subsections J and K of 63.2-1503, law-enforcement agencies and attorneys for the Commonwealth; (ii) child welfare or human services agencies of the Commonwealth or its political subdivisions when those agencies request information to determine the compliance of any person with a child-protective services plan or an order of any court; (iii) personnel of the school or child day program as defined in 63.2-100 attended by the child so that the local department can receive information from such personnel on an ongoing basis concerning the child’s health and behavior, and the activities of the child’s custodian…”). [↑](#endnote-ref-44)
45. Va. Code Ann. § 63.2-104(A). [↑](#endnote-ref-45)
46. Va Code Ann. § 63.2-1503(J)(“The local department shall foster, when practicable, the creation, maintenance and coordination of hospital and community-based multidisciplinary teams that shall include where possible, but not be limited to, members of the medical, mental health, social work, nursing, education, legal and law-enforcement professions. Such teams shall assist the local departments in identifying abused and neglected children; coordinating medical, social, and legal services for the children and their families; developing innovative programs for detection and prevention of child abuse; promoting community concern and action in the area of child abuse and neglect; and disseminating information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat child abuse and neglect. These teams may be the family assessment and planning teams established pursuant to § 2.2-5207. Multidisciplinary teams may develop agreements regarding the exchange of information among the parties for the purposes of the investigation and disposition of complaints of child abuse and neglect, delivery of services and child protection. **Any information exchanged in accordance with the agreement shall not be considered to be a violation of the provisions of § 63.2-102, 63.2-104, or 63.2-105**.”); Va Code Ann. § 63.2-1503 (K)(“ The local department may develop multidisciplinary teams to provide consultation to the local department during the investigation of selected cases involving child abuse or neglect, and to make recommendations regarding the prosecution of such cases. These teams may include, but are not limited to, members of the medical, mental health, legal and law-enforcement professions, including the attorney for the Commonwealth or his designee; a local child-protective services representative; and the guardian ad litem or other court-appointed advocate for the child**. Any information exchanged for the purpose of such consultation shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105**.”). [↑](#endnote-ref-46)
47. *See* Va Code Ann. § 63.2-1509(mandated reporting duty and professionals who are mandated reporters). [↑](#endnote-ref-47)
48. Va Code Ann. § 16.1-301(B). [↑](#endnote-ref-48)
49. *See* Va Code Ann. § 63.2-1509(mandated reporting duty and professionals who are mandated reporters). [↑](#endnote-ref-49)
50. Va Code Ann. § 9.1-156. [↑](#endnote-ref-50)
51. Va Code § 16.1-310(C )(4),(F). [↑](#endnote-ref-51)
52. Va Code Ann. § 16.1-301(C)(2). [↑](#endnote-ref-52)
53. Va Code Ann. § 16.1-301(C )(4). [↑](#endnote-ref-53)
54. Va Code Ann. § 16.1-300(A)(13). [↑](#endnote-ref-54)
55. Va Code Ann. § 16.1-300(A)(13). [↑](#endnote-ref-55)
56. *See* Va Code Ann. § 63.2-1509(mandated reporting duty and professionals who are mandated reporters) [↑](#endnote-ref-56)
57. Va. Code Ann. § 63.2-101. [↑](#endnote-ref-57)
58. Va Code Ann. § 9.1-156. [↑](#endnote-ref-58)
59. Va Code Ann. § 16.1-300(A)(6). [↑](#endnote-ref-59)
60. Va Code Ann. § 16.1-300(A)(2). [↑](#endnote-ref-60)
61. Va Code Ann. § 16.1-300(A)(7). [↑](#endnote-ref-61)
62. Program shall include public and not-for-profit agencies the primary mission of which is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking, or victims of certain crimes. (Va Code Ann. § 63.2-104.1(D)). [↑](#endnote-ref-62)
63. *See* Va Code Ann. § 63.2-1509(mandated reporting duty and professionals who are mandated reporters) [↑](#endnote-ref-63)
64. Va. Code Ann. § 63.2-104.1(D)(3). [↑](#endnote-ref-64)
65. Va. Code Ann. § 63.2-104.1; 42 U.S.C. § 13925(b)(2)(B)(ii)(Violence Against Women Act (VAWA) consent for programs subject to VAWA). [↑](#endnote-ref-65)
66. Va. Code Ann. § 63.2-104.1; 42 U.S.C. § 13925(b)(2)(C)(programs subject to VAWA). [↑](#endnote-ref-66)
67. Va. Code Ann. § 63.2-104.1; 42 U.S.C. § 13925(b)(2)(D)(i)(programs subject to VAWA). [↑](#endnote-ref-67)