

Releases of Information (ROI) - when do I need one?*

For youth involved in the Juvenile Court dependency system.
(This is not applicable for voluntary cases.)

Do I need a release to:

1. Talk to the child's lawyer (if client is a minor)?
No, the child's lawyer holds the psychotherapist-client privilege and acts as the child's guardian ad litem.
2. Talk to the social worker (if the client is a minor)?
You do not need a ROI to provide to the PSW general information about progress and participation toward the treatment goals. If you wish to share information beyond these areas, a ROI is required. Generally, if the child is 12 years or older, they can release their own mental health information. However, if they are under 12 or not of sufficient maturity to consent their attorney must release the information.
3. Talk to a CASA (if client is a minor)? No
4. Talk to the foster parent (if client is a minor)?
In general, you do not need a ROI to discuss attendance and provide a general statement about progress.
5. Participate in a CFT? No, you do not need an ROI to participate in a CFT. Best practice would be to discuss with the youth and/or their attorney the expectations for the CFT.

Who signs the ROI?

A client who is of sufficient age and maturity signs his/her own release. Generally this is when the client is 12 years of age or older unless there are special needs. If your client is a child under the age of 12, then the child's attorney signs the ROI. Foster parents and social workers are not authorized to sign releases of information.

Who sees my reports and/or updates?

Information that is shared with the social worker is either summarized in the social worker's report or attached to the report (for example, progress reports). This is also true of the CASA reports. The reports may be shared with each parent, the child, the attorneys on the case and the judge. Attorneys may also request therapy reports and updates in discovery and share the reports with the client.

What about psychological evaluations?

Psychological evaluations are distributed to the lawyers and the judge. There may be some information from the psychological evaluation cut/pasted into the report if it is relevant to the issues before the court. Any content cut/pasted into the report will be viewed by the parties to the case. The judge may also read portions of the evaluations aloud during the court hearing.

If the parent requests to see their child's evaluation, it must be ordered by the court.

**This document is meant to be a guide and does not replace your own legal counsel. Please refer to the TERM Handbook and your own legal counsel regarding confidentiality issues.*