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**Judith Sandalow**

Testimony before the Committee on Public Safety and the Judiciary

Information Sharing to Improve Services for  
Children and Families Act of 2009 (B18-344)

November 4, 2009

**Judith Sandalow**  
Executive Director  
Children's Law Center

Good morning and thank you for the opportunity to testify. My name is Judith Sandalow and I am the Executive Director of Children’s Law Center<sup>1</sup> and a resident of the District. I am testifying today on behalf of Children’s Law Center, which is the largest non-profit legal services organization in the District and the only such organization devoted to a full spectrum of children’s legal services. Every year, we represent 1,200 low-income children and families, focusing on children who have been abused and neglected and children with special health and educational needs. Through this work we are quite familiar with the laws regarding the confidentiality of children’s court records and other documents.

We support the broad goal of this bill – to ensure that persons providing services to children have access to necessary information; however, the bill’s sweeping language is overly broad and allows far too much access to confidential information. We believe that if this bill is enacted as written it will be detrimental to children and families. Since current law allows necessary information to be shared, the need for this bill is unclear.

Fundamentally, we believe that highly sensitive and personal information about a child and family ought to remain confidential in most circumstances. Allowing a large group of people, some with a very limited relationship to the child, access to the extensive information contained in juvenile court records, social records and law enforcement records could be extremely harmful to that child and family. Juvenile case records include, among other things, the court docket and its entries, complaints and petitions and the transcripts of court proceedings.<sup>2</sup> Juvenile social records include “all social records made with respect to a child in any proceedings over which the court has

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<sup>1</sup> Children’s Law Center envisions a future for the District of Columbia in which every child has a safe home, a meaningful education and a healthy mind and body. We work toward this vision by providing free legal services to 1,200 children and families each year and by using the knowledge we gain from representing our clients to advocate for changes in the law. Children’s Law Center is the largest non-profit legal services organization in the District of Columbia and the only organization providing comprehensive representation to children.

<sup>2</sup> DC Code §16-2331

jurisdiction.”<sup>3</sup> For a child who is the subject of a neglect case, these records may include detailed allegations of physical or sexual abuse, the child’s home address, mental and physical health evaluations and other personal and sensitive information.

This bill would allow this extremely personal information to be divulged to any “person who has a professional interest in the protection, welfare, treatment and rehabilitation of the child or the child’s family, for the purposes of protecting the safety of the child, the safety of others or providing services to the child or the child’s family” provided that the person falls into one of several categories. The bill would allow these records to be given to 1) employees of a public or private agency receiving District funds to provide services for children; 2) a member of the clergy; 3) the Mayor or his designee; 4) a member or staff of the Council; 4) individuals who are mandatory reporters of child abuse under DC law, which includes a large variety of people including dentists, athletic coaches, and public housing managers.<sup>4</sup>

For any one child this list could include dozens of individuals, some of whom may not know the child well and many of whom have no training or background in dealing with confidential information or working with children in the child welfare system. The child’s public housing manager, for example, has no reason to know, and should not know, that child was sexually abused by her uncle. Further, there is no language in the bill which prohibits individuals receiving this information from further sharing the documents or information they receive.

In some situations, such as those involving domestic violence, it is critical to the family’s safety that personal information remains confidential. Opening the records as broadly as this bill does risks abusers accessing the information.

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<sup>3</sup> DC Code §16-2332

<sup>4</sup> DC Code §4-1321.02

The bill raises significant practical concerns as well. Would members of the clergy, council staff and any mandatory reporter simply show up at the court and demand records? Who would decide who had a legitimate “professional interest” in the child and how would this be documented?

In addition to being harmful for all of the reasons I’ve mentioned, it is not clear how this bill helps children and families. Passage of this bill is not necessary for government agencies to work together and arrange services for children. Juvenile case records, social records and police and law enforcement records are already open to a variety of people under the existing statutes.<sup>5</sup> In addition to being available to judges, lawyers, court staff, government and private agencies or institutions providing court ordered supervision or treatment, the records are available to “authorized personnel in the Mayor’s Family Court Liaison, the Department of Health, the Department of Mental Health, the Child and Family Services Agency, the Department of Human services and the District of Columbia Public Schools for the purpose of delivery of services to individuals under the jurisdiction of the Family Court, or their families.”<sup>6</sup> Additionally, the law allows for any other person having a professional interest in the protection, welfare, treatment and rehabilitation of the child or his or her family to have access to the juvenile case records and social records if the court authorized it.<sup>7</sup> These existing laws provide the necessary exceptions to ensure we are not protecting confidentiality to such an extent that it limits our ability to properly serve children and families.

As most of our clients are involved with the Child and Family Services Agency (CFSA), I can assure you that this bill is not necessary for children in CFSA custody to receive services or treatment. CFSA’s own policies provide that, in general, information in the possession of CFSA and its contracting agencies regarding clients is confidential. However, such information may be disclosed for a variety of reasons, including: 1) the identification of service needs or resources and 2)

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<sup>5</sup> DC Code §§16-2331, 16-2332, 16-2333

<sup>6</sup> DC Code §§16-2331(b)(9), 16-2332(b)(1)(H), 16-2333(b)(10)

<sup>7</sup> DC Code §§16-2331(b)(7), 16-2332(b)(1)(E)

to secure or provide treatment or direct services to the child or other identified individual.<sup>8</sup> CFSA has the needed latitude to talk about otherwise confidential information when it is necessary and appropriate. Rather than giving thousands of people open access to records, it is much more appropriate to allow CFSA caseworkers to reveal such information when, in their professional opinion, it is warranted.

In conclusion, this bill opens access to confidential information far too broadly and the need it addresses is unclear. We therefore urge that this bill not be moved out of committee.

Thank you for the opportunity to testify. I am happy to answer any questions you may have.

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<sup>8</sup> Child and Family Services Agency, Online Policy Manual: Program Policies, Chapter 5. [www.cfsa.dc.gov](http://www.cfsa.dc.gov). See also DC Code §4-1303.06