

## legal notes

**By Daniel Pollack** 

nformation helps give us real choices. For decades, especially with the advent of technological advances, the balance between the free flow of information and personal privacy has been diligently monitored. All federal agencies are required to affirmatively and continuously disclose records proactively (5 U.S.C. § 552(a)(2)(2006), amended by OPEN Government Act of 2007). In the federal and state human service fields there are obviously exceptions made for legitimate long-term possibilities and consequences rather than focus only on the present. They get used to thinking in an anticipatory fashion.

A while ago, a grand jury in Broward County, Florida, wrote: "One of the most difficult problems facing the foster care system is the placement and care of certain, 'hard-core' teenage children. These children are part of the population of runaways. They are often involved in repeated, serious criminal episodes. They have, in many cases,

### Advantages of Proactively Sharing Information with Foster Parents



Simply put, information expands knowledge; reducing information promotes uncertainty. The more accurate the information, the better we can meet the preferences and needs of both foster parents and foster children. And the quicker we do this, the better the result.

purposes of privacy and confidentiality, especially with reference to minors. To what extent should information about foster children be proactively made to foster parents?

From a legal viewpoint, providing permissible information proactively may prevent a minor concern from becoming a foreseeable full-blown incident or problem later on. Indeed, sharing information at the outset may completely eliminate a future legal claim, or at the very least, may demonstrate sufficient good faith to limit significant monetary damages. From an administrative perspective, sharing information helps workers think of been placed in multiple foster homes. They are difficult, if not impossible, to place. They are often special education students with learning disabilities and psychological problems. They can be violent, rebellious, and predatory on younger children. The following is a description of such children: A teenage boy with aggressive tendencies whose disruptive behavior has resulted in school discipline problems. The boy's only parent is mentally ill and incapable of caring for him. He had been placed in therapeutic foster homes but, due partly to a shortage of resources and the therapist's tentative conclusion that he posed no extraordinary risk,

he was 'stepped down.' That means he was placed in less intensive care. When his placement with a relative failed, he was placed in a regular DCF foster home with three other younger foster children. **The foster parents were not informed of the potential risks from this child.** Results: two months after placement, this foster child assaulted two children aged five and six. (emphasis added).

The Alabama Foster Parent "Bill of Rights" in section (7) states that foster parents should have the "right to information concerning behavioral problems, health history, educational status, cultural and family background, and other issues relative to the child which are known to the department at the time the child is placed in foster care prior to the child's placement with a foster parent or parents. When the department knows such information after placement, the department shall make that information available to the foster parent as soon as practicable."

In contrast, Maryland regulation 07.02.25.07-1 (A) states that "At the initial placement, at any time during the placement of a child in foster care, and as soon as practicable after new information becomes available, the foster parent has the right to receive full information from the caseworker on the physical, social, emotional, educational, and mental history of a child which would possibly affect the care provided by a foster parent except for information about the family members that may be privileged or confidential."

What's the difference between the two? Alabama makes the records available without waiting for a specific request. Maryland does not necessarily provide information proactively.

The importance of information in the foster care arena is critical. Simply See Legal notes on page 40

# our do'ers profile

**Jeffrey Bradfield** 



In Our Do'ers Profile, we highlight some of the hardworking and talented individuals in public human services. This issue features Jeffrey Bradfield, National Health and Human Services Leader at Deloitte Consulting.

#### Name: Jeffrey Bradfield

**Title:** National Health and Human Services Leader at Deloitte Consulting

#### Years of Service: 20.

**Rewards of the Job:** I've always enjoyed problem-solving, whether for work or for fun. So, working as a consultant gives me the opportunity to do something that I enjoy almost every day. But the part of my job I enjoy the most is working with people members of my team and my clients. Nothing is more gratifying than passing on knowledge to someone so that they can do their job better. So I guess you could say that I found the perfect career.

#### Accomplishments Most Proud

**Of:** I would have to say putting myself through college (twice), and finally, after 17 years, making that last student loan payment. Nothing was more gratifying than receiving that "paid-in-full" statement from Sallie Mae.

### Future Challenges for the Delivery of Public Services:

There is definitely a confluence of events that are creating significant challenges for the delivery of public services. An aging population, the rising costs of health care, and shrinking state budgets are all putting an incredible squeeze on the delivery of public services...and on the people who deliver them. And I don't see these trends changing in the near future. I, unfortunately, believe that the newnormal will continue to be defined by flat budgets and a rising demand for services.

But I'm optimistic that there is a hidden opportunity in this challenge. If the old saying, "necessity is the mother of invention" holds true, now is the time where need should truly drive invention and innovation. I believe the challenge to do more with less will create a strong incentive to re-think the way public services are delivered — looking at everything from enhanced service delivery integration, improved forms of case management, and implementation of exciting new technologies that will make serving constituents easier. And there couldn't a better time to undertake a transformation effort. With the availability of enhanced federal funding for eligibility automation and health insurance exchange, it provides a unique window of opportunity to jump-start a broader transformation strategy.

#### **Little Known Facts About Me:**

I once spent an entire summer working on a vineyard, planting and tying grapevines. I learned how to operate a post-hole digger and to drive a grape harvester. These aren't skills that I've been able to carry forward in life, but it gave me a deep appreciation for the work I do now. Farming is the hardest work you can imagine.

**Outside Interests:** I love to travel to other countries and experience different cultures. The whole experience of comparing and contrasting history, culture, and people with that of the United States is fascinating. And every time I come back, it makes me appreciate home all the more.

#### Legal Notes from page 31

put, information expands knowledge; reducing information promotes uncertainty. The more accurate the information, the better we can meet the preferences and needs of both foster parents and foster children. And the quicker we do this, the better the result. Providing information proactively allows foster parents to make informed decisions regarding whether or not a prospective placement is one they have the desire and ability to handle. In addition, proactively providing information endorses the notion that the human service department is forthcoming and open, wants to minimize the bureaucracy a foster parent needs to navigate, and is genuinely concerned about making sure the prospective foster child and foster parents are a good fit. **Daniel Pollack** is professor at Yeshiva University's School of Social Work in New York City, and a frequent expert witness in child welfare cases. He can be reached at dpollack@yu.edu.