

**OKLAHOMA COUNTY JUVENILE BUREAU  
POLICY AND PROCEDURE MANUAL**

**CHAPTER SEVEN – COURT SERVICES – OVERVIEW AND GENERAL  
OPERATING**

**POLICY 7.1-6: JUVENILE RECORDS, CONFIDENTIALITY, AND HEALTH  
INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

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**I. POLICY:**

The Oklahoma County Juvenile Bureau (OCJB) governs the security of the information and data collection system including verification, access to data, and protection of the privacy of juveniles **(2-7078)**. This policy establishes the requirements for juvenile record governance to include, but not limited to the establishment, utilization, content, confidentiality, security, preservation, disposition, and destruction **(2-7070)**.

**II. DEFINITIONS:**

As authorized by 10A O.S. § 2-6-101, and as used in this policy, the following definitions apply:

**A. Agency Record:** Records prepared, obtained or maintained by a public or private agency with regard to a youth who is, or has been, under its care, custody or supervision or with regard to a family member or other person living in the home of such youth and shall include, but not be limited to:

1. Any study, plan, recommendation, assessment or report made or authorized to be made by such agency for the purpose of determining or describing the history, diagnosis, custody, condition, care or treatment of such youth, or
2. Any records made in the course of any investigation or inquiry conducted by an agency to determine whether a youth is a delinquent or in need of supervision.

**B. Confidential Records:** Records related to youth that are confidential as authorized by the Oklahoma Juvenile Code of Oklahoma State Statute. As authorized by 10A O.S. § 2-6-102, Confidential Records, the following juvenile records are confidential and shall not be open to the general public, inspected, or their contents disclosed:

- Juvenile court records;
- Agency records;
- District Attorney's records;
- Law enforcement records;
- Nondirectory education records; and

Social records.

- C. **District Attorney's Records:** Any records prepared or obtained by an office of the district attorney relating to a juvenile case and any records prepared or obtained for the prosecution of crimes against children that constitute a legal or social record of a child.
- D. **Field File:** An unofficial file containing pertinent information. OCJB officers maintain field files for the youth they are supervising which contain written records of significant decisions and events. Field files are maintained in the supervising officer's locked office and/or locked cabinet when unattended.
- E. **Health Insurance Portability and Accountability Act (HIPAA):** The Health Insurance Portability and Accountability Act of 1996 (HIPAA), as authorized by Public Law 104-91, 1996, Sections 261 through 264, contains the HIPAA Privacy Rule published December 28, 2000. The HIPAA Privacy Rule established the national regulations for the protection, privacy, security, and use of patient records. Youth being served by the Oklahoma County Juvenile Bureau are protected by the HIPAA Privacy Rule.
- F. **Juvenile Court Record:** The legal and social records, other than adoption records, including, but not limited to, agency, law enforcement and district attorney's records filed with the court that are related to a juvenile who is the subject of a court proceeding pursuant to the Oklahoma Juvenile Code.
- G. **Juvenile Delinquent Legal (JDL) File:** A file established and maintained by the court clerk's office for a youth who has or is receiving services from the Oklahoma County Juvenile Bureau.
- H. **Juvenile On-Line Tracking System (JOLTS):** As authorized by 10A O.S. § 2-7-905, provides the computerized information system used by the Oklahoma County Juvenile Bureau to track juvenile offenders from arrest to final closure of the case. The Office of Juvenile Affairs is the authorizing authority for access to the information contained in JOLTS. Authorized Oklahoma County Juvenile Bureau employees are provided a unique identification number that allows them access to the JOLTS system **(2-7141) (2-7074) (2-7190)**.
- I. **Law Enforcement Records:** Any contact, incident, or similar reports, arrest records, disposition records, detention records, fingerprints, or photographs related to a youth that shall include, but not be limited to reports of investigations or inquiries conducted by a law enforcement agency to determine whether a youth is, or may be, a delinquent or in need of supervision.
- J. **Legal Record:** Any petition, docket, motion, finding, order, judgment, pleading, paper or other document, other than social records, filed with the court.

- K. **Nondirectory Education Records:** Any records maintained by a public or private school, including a technology school, regarding a youth who is or has been a student at the school, which are categorized as private or confidential records pursuant to the federal Family Educational Rights and Privacy Act of 1974.
- L. **Participating Agency:** Any public or private agency that has entered into a contract or an interagency agreement for the purpose of accessing and sharing information necessary for the care, treatment and supervision of children and youth.
- M. **Record(s):** As authorized by 10A O.S. § 2-6-101 B.1, records shall include, but not be limited to, written or printed documents, papers, logs, reports, files, case notes, films, photographs and audio or visual tape recordings pertaining to a juvenile proceeding or a child, and shall include information entered into and maintained by an automated or computerized information system.
- N. **Social File (SF):** A file established by the Intake and Diversion Services Unit upon receipt of a youth referral.
- O. **Social Record:** family social histories, medical reports, psychological and psychiatric evaluations or assessments, clinical or other treatment reports, educational records or home studies, even if attached to court reports prepared by the agency.

### **III. PROCEDURE:**

- A. Establishment and Content of Records: Intake and Probation Officers maintain a case file on all youth assigned to their supervision. The contents are organized and divided into sections and provide a written record of all significant decisions and events that occur over the duration of OCJB supervision **(2-7070) (2-7071)**.
  - 1. Establishment and Content of the Social File (SF) **(2-7070)**:
    - a. The SF is established by a referral from the District Attorney's Office to the Intake and Diversion Services Unit (IDSU).
    - b. The organization of materials to be maintained in the SF is addressed in Policy 7.2-2, "Preliminary Inquiry". The content of materials to be maintained in the SF is as follows **(2-7072)**:
      - i. Photograph of Youth (uploaded to the Juvenile On-Line Tracking System-JOLTS);
      - ii. Preliminary Inquiry/Alleged Offense(s) Questionnaire ;
      - iii. Notice of and Acknowledgement of Receipt of Rights;

- iv. Notice of and Acknowledgement of Constitutional and Legal Rights;
- v. Acknowledgment of Receipt of Procedures for Expungement of Juvenile Records at the Age of Twenty-One (21);
- vi. Acknowledgement of Receipt of "Notice of Grievance Procedure" and "Grievance Form";
- vii. Notification to the District Attorney's office of The Uniform Child Custody Jurisdiction and Enforcement Act & The Oklahoma Indian Child Welfare Act ;
- viii. Informal Adjustment Without Petition (IAWP)/Defer Delinquency Adjudication Proceeding Agreement;
- ix. Intake Face Sheet (printed from the Juvenile On-Line Tracking System-JOLTS);
- x. Youth Social Information;
- xi. Parent/Legal Guardian/Custodian Questionnaire;
- xii. Youth's Questionnaire;
- xiii. Massachusetts Youth Screening Instrument-2 (MAYSI-2) (to include MAYSI-2 Results);
- xiv. Global Assessment for Individual Need (GAIN)-Short Screener (to include GAIN-SS Results) ;
- xv. Intake Risk Assessment;
- xvi. School Records (Attendance, Disciplinary Action, Grades, Individual Education Plan);
- xvii. SLOSSON Oral Reading Test (SORT);
- xviii. Acknowledgement of Receipt of Steps of Intake Process;
- xix. Intake Appointment Letter (printed from the Juvenile On-Line Tracking System-JOLTS);
- xx. Title IV-E Intake Screening Sheet;
- xxi. Notice of Protected Health Information (PHI) Rights & Privacy Notice and Acknowledgement of Legal Rights Under Health Insurance Portability and Accountability Act (HIPAA);
- xxii. Birth Certificate;
- xxiii. Record Permanent Resident Card or Alien Registration Receipt Card (Form I-551);
- xxiv. Insurance/Medical Card (Front & Back);
- xxv. Social Security Card;
- xxvi. Immunization Record; and
- xxvii. Additional paperwork provided by parents/legal guardians/custodian(s).

2. Establishment and Content of the Field File **(2-7070)**:

- a. The Field File is established by a referral of the Court to the Probation Services Unit (PSU).
- b. The organization of materials to be maintained in the Field File is addressed in Policy 7.3-2, "Disposition Study". The content of materials to be maintained in the Field File is as follows **(2-7072)**:
  - i. Court referral;
  - ii. SF information (birth certificate, social security card, health insurance card, immunization records and other applicable materials)
  - iii. "Privacy Notice and Acknowledgement of Legal Rights under HIPAA", Attachment C;
  - iv. "Authorization to Release Confidential Youth Information", Attachment D;
  - v. "Acknowledgement of Receipt of Probation and Detention Guide", Attachment B of Policy 7.3-2, "Disposition Study";
  - vi. "Acknowledgement of Receipt of Notice of Grievance Procedure and Grievance Form", Attachment C of Policy 7.1-16, "Youth Grievance Procedure";
  - vii. "Initial Home Visit Checklist", Attachment C of Policy 7.3-2, "Disposition Study";
  - viii. "Youth Level of Service/Case Management Inventory Interview Guide", Attachment D of Policy 7.3-2, "Disposition Study";
  - ix. Disposition Study;
  - x. Referrals;
  - xi. Request for psychological evaluation (if applicable);
  - xii. Information needed for revocation (if applicable);
  - xiii. Interstate Compact forms (if applicable);
  - xiv. Service reports in chronological order;
  - xv. The "Juvenile Profile Summary", printed from JOLTS;
  - xvi. "Probation Appointment Reminder", Attachment A of Policy 7.3-2, "Disposition Study";
  - xvii. Stipulation to delinquency petition(s);
  - xviii. Delinquency petition(s);
  - xix. Court minute(s) in chronological order;
  - xx. Pick-up order(s) and/or bench warrant(s) (if applicable);
  - xxi. Detention Admission Record (if applicable);
  - xxii. Probable Cause Affidavit (if applicable);
  - xxiii. Detention Admission Request/Authorization (if applicable);

- xxiv. Pre-Adjudication Detention Screen instrument (if applicable); and
  - xxv. "Youth Contact Notes", Attachment D of Policy 7.3-3, "Probation Supervision".
3. Establishment and Content of JOLTS Records **(2-7070)**:
- a. The JOLTS Record is established by the IDSU upon receipt of a referral from the District Attorney's Office.
  - b. JOLTS records may contain information listed in II. DEFINITIONS, B. Confidential Records, of this policy.
  - c. In accordance with 10A O.S. § 2-6-104 and 2-6-105, inspections and disclosure of confidential records without a court order is authorized to individuals or agencies engaged in legitimate research for educational, scientific or public purposes, or for the purpose of an audit authorized by law. No information identifying the subjects of the records shall be made available or disclosed unless it is essential to the research or audit purpose. **(2-7078) (2-7080)**
- B. Inspection, Release Disclosure, Correction, and/or Expungement of Confidential Juvenile Records which require a court order **(2-7070)**:
- 1. All juvenile records listed in II. DEFINITIONS, A.-O. of this policy, as authorized by 10A O.S. § 2-6-101, are confidential and may only be inspected, released, disclosed, corrected and/or expunged pursuant to an order of the Court.
  - 2. No subpoena purporting to compel disclosure of confidential information or any confidential juvenile record shall be valid.
  - 3. 10 O.S. § 601.6 provides that the Oklahoma Commission on Children and Youth (OCCY) establish an office of Juvenile System Oversight which has the authority to examine and copy all records pertaining to children and youth services systems for the purpose of conducting systematic oversight and compliant investigations.
- C. Confidentiality of the SF **(2-7070)**:
- 1. 10A O.S. § 2-6-103 prohibits the contents of the SF to be filed in the court record unless so ordered by the court. If filed in the court record, the records may only be accessed by the person who is the subject of the record, or the attorney for such person.
  - 2. The person, or the attorney for the person, may obtain a copy of any social record used the pendency of the delinquent proceedings that has been distributed to any of the parties during the proceedings.
- D. Inspection, Release and/or Disclosure of Confidential Juvenile Records which do not require a court order **(2-7070)**:
- 1. Records and their contents, disclosed without an order of the court, as provided by the above provisions shall remain confidential. The

use of any information shall be limited to the purposes for which disclosure is authorized.

2. As authorized by 10A O.S. § 2-6-105, confidential juvenile records may be inspected and their contents disclosed without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:
  - a. Any judge of the district or tribal courts to which proceedings involving the child may be transferred or are currently before the court;
  - b. Employees and officers of the court in the performance of their duties;
  - c. Any public or private agency or person authorized by the OCJB to diagnose or provide care, treatment, supervision or other services to a child who is the subject of a report or record of delinquency, child abuse or neglect, or other adjudicatory category, provided that the OCJB may limit the disclosure to summaries or to information directly necessary for the purpose of the disclosure;
  - d. Any member of the review boards established by 10 O.S. § 1116.2 and 1115.6. These members may inspect, without a court order, including but not limited to:
    - i. Psychological and medical records;
    - ii. Placement history to include the names and addresses of foster parents;
    - iii. Family assessments;
    - iv. Treatment or service plans; and
    - v. School records.
  - e. District Attorney (DA) and employees of the Office of the DA in the course of their official duties **(2-7165)**;
  - f. The attorney representing a youth who is the subject of a juvenile proceeding;
  - g. Employees of juvenile bureaus in the course of their official duties;
  - h. Employees of OJA in the course of their official duties;
  - i. Employees of a law enforcement agency in the course of their official duties pertaining to the investigations of a crime committed or alleged to have been committed by a person under eighteen years of age. Records disclosed may be limited to information necessary for the purpose of the investigation **(2-7165)**;
  - j. Oklahoma Commission on Children and Youth (OCCY);
  - k. OJA or other public or private agency, or any individual having court ordered custody or custody pursuant to the OJA placement of a youth who is the subject of the record;

- l. Department of Human Services (DHS);
  - m. The youth who is the subject of the record and his/her parent/legal guardian/custodian of said youth;
  - n. Any federally recognized Indian tribe in which the child who is the subject of the record is a member, or is eligible to become a member, of the tribe due to the child being the biological child of a member of the Indian tribe pursuant to the Federal Indian Child Welfare Act and the Oklahoma Child Welfare Act, provided such Indian tribe membership, in the course of official duties **(2-7165)**:
    - i. Is investigating a report of known or suspected child abuse or neglect or crimes against children for the purpose of determining whether to place the a child in protective custody; and/or
    - ii. Is providing services to, or for the benefit of, a child, including, but not limited to, protective, emergency, social and medical service.
  - o. Any federally recognized Indian tribe in which the tribe, the tribal court, or the tribal child welfare program has asserted jurisdiction or intervened in any case in which the child is the subject of the proceedings, or is a party to the proceedings pursuant to the authority provided in the Oklahoma Indian Child Welfare Act;
  - p. The Governor or any person the Governor designates in writing;
  - q. Any federal official of the United States Department of Health and Human Services;
  - r. Any member of the legislature upon the written approval of the Speaker of the House of Representatives or the President Pro Tempore of the Senate;
  - s. Employees of the Department of Corrections (DOC) in the course of their official duties **(2-7165)**;
  - t. Employees of the United States Probation Office in the course of their official duties **(2-7165)**;
  - u. Domestic violence and sexual assault advocates employed by a certified domestic violence or sexual assault program, pursuant to 74 O.S. § 18p-2., working within a law enforcement agency in the course of their assigned duties.
3. Any person to whom the information is released shall show proper identifying credentials prior to release of the confidential information. The information disclosure shall remain confidential and must be used for the purposes for which the disclosure is authorized. It is unlawful for any person to furnish or disclose confidential records or information for commercial, political or

unauthorized purposes. Any unlawful disclosure or unlawful use of disclosed information is subject to criminal sanctions.

4. Sharing information with other agencies and individuals should occur only with the consent of the juvenile, his/her counsel, and/or parent/legal guardian/custodian, and when it would clearly be in the best interest of the juvenile to do so **(2-7190)**.
- E. Release of Juvenile Arrest Records:
  1. All requests for arrest records shall be referred directly to the arresting agency that possesses the records of arrest.
- F. Release of Confidential Juvenile Records to School Personnel **(2-7070)**:
  1. As authorized by 10A O.S. § 2-6-102, M., confidential juvenile records may be inspected and their contents disclosed with a court order to a school district in which the youth who is the subject of the record is currently enrolled, or has been presented for enrollment. Upon request by the school district, the requested information shall be provided in writing, digitally, or by delivery to a secure facsimile line, to the school district within five (5) business days from receipt of the request.
  2. As authorized by 10A O.S. § 2-2-503, the Chief of Court Services shall submit notification to school principals of juveniles adjudicated for a violent offense as defined in 57 O.S. § 571. Violent crime means any of the following felony offenses and any attempts to commit or conspiracy or solicitation to commit the following crimes:
    - a. Assault, battery, or assault and battery with a dangerous or deadly weapon;
    - b. Shooting with intent to kill, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm as provided for in 21 O.S. § 652;
    - c. Aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law;
    - d. Poisoning with intent to kill;
    - e. Shooting with intent to kill;
    - f. Assault with intent to kill;
    - g. Assault with intent to commit a felony;
    - h. Assaults while masked or disguised;
    - i. Murder in the first degree;
    - j. Murder in the second degree;
    - k. Manslaughter in the first degree;
    - l. Manslaughter in the second degree;
    - m. Kidnapping;
    - n. Burglary in the first degree;
    - o. Burglary with explosives;

- p. Kidnapping for extortion;
- q. Maiming;
- r. Robbery;
- s. Robbery in the first degree;
- t. Robbery in the second degree;
- u. Armed robbery;
- v. Robbery by two (2) or more persons;
- w. Robbery with a dangerous weapon or imitation firearm;
- x. Child abuse;
- y. Wiring any equipment, vehicle or structure with explosives;
- z. Forcible sodomy;
- aa. Rape in the first degree;
- bb. Rape in the second degree;
- cc. Rape by instrumentation;
- dd. Lewd or indecent proposition or lewd or indecent act with a child;
- ee. Use of firearm or offensive weapon to commit or attempt to commit a felony;
- ff. Pointing firearms;
- gg. Rioting;
- hh. Inciting to riot;
- ii. Arson in the first degree;
- jj. Injuring or burning public buildings;
- kk. Sabotage;
- ll. Criminal syndicalism;
- mm. Extortion;
- nn. Obtaining signature by extortion;
- oo. Seizure of a bus, discharging firearm or hurling missile at bus;
- pp. Mistreatment of a mental patient;
- qq. Using a vehicle to facilitate the discharge of a weapon pursuant to 21 O.S. § 652;
- rr. Bombing offenses as defined in 21 O.S. § 1767.1;
- ss. Child pornography or aggravated child pornography as defined in 21 O.S. § 1021.2, 1021.3, 1024.1 and 1040.12a;
- tt. Child prostitution as defined in 21 O.S. § 1030;
- uu. Abuse of a vulnerable adult, as defined in 43 O.S. § 10-103, of who is a resident of a nursing facility;
- vv. Aggravated trafficking as defined by 63 O.S. § c 2-415;
- ww. Aggravated assault and battery upon any person defending another person from assault and battery;
- xx. Human trafficking as defined by 21 O.S. § 748; or
- yy. Terrorism crimes as defined by 21 O.S. § 1268.

3. All requests received for the release of confidential juvenile records to school personnel shall be documented in the juvenile's contact notes on JOLTS.
- G. Employee Responsibility for Preserving Confidentiality of Juvenile Records **(2-7070) (2-7141) (2-7190)**:
1. Employees shall not discuss intimate and personal information about a juvenile or a juvenile's family except in furtherance of the treatment program. Only employees whom have responsibility for carrying out the juvenile's treatment program shall discuss the juvenile's personal information. Employees shall use information concerning a juvenile only to plan and deliver direct services, or to plan, monitor, evaluate, research or administer programs.
  2. Employees shall maintain all records, reports, or written material in any form pertaining to any juvenile under the supervision of the OCJB and/or the court in a secure place. The working area, including all offices, is a secured area; access is limited to authorized personnel only or other visitors accompanied by an employee of the OCJB at all times. AWOL lists, court dockets or any other written document which identifies individual juveniles shall not be posted in any area accessible by unauthorized persons. Employees shall ensure that records are not left in a place that unauthorized persons have access to, either purposefully or by accident.
  3. Computerized data systems containing various forms of case information are confidential and available only to authorized employees **(2-7078)**.
  4. If confidential records are removed from the OCJB office by an employee for court or field visits, he/she must be in the possession of the records at all times and at no time leave them unattended.
  5. If confidential records are to be removed from the OCJB office overnight, the employee must obtain written permission from his/her supervisor, prior to removal of the records, by submitting an "Authorization to Remove Confidential Records", Attachment E.
  6. Employees responsible for the oversight of work with juveniles being provided by consultants, contract personnel, and/or volunteers shall ensure compliance with the requirements of this policy.
- H. Transfer of Confidential Juvenile Records:
1. When a juvenile is transferred from the supervision of the OCJB to another supervising county, the OCJB shall transfer the juvenile's records prior to, or at the time of, the juvenile's transfer.
- I. Storage, Sealing, and/or Destruction of Closed Case Records **(2-7070)**:

1. Storage and destruction of closed confidential juvenile records: All closed cases shall be stored in a secure location until the juvenile reaches twenty-four (24) years of age. If no legal action is pending, and there is no court order to seal or expunge the record, the Chief of Court Services shall ensure that the records and any other identifying legal information about the juvenile are properly destroyed.
  2. Sealing of closed confidential juvenile records: The Chief of Court Services shall ensure that a copy of the court order authorizing a confidential juvenile record to be sealed is placed within the sealed record and placed in a secure location.
    - a. Any records ordered by the court to be sealed, if not ordered by the court to be unsealed within ten (10) years of the order, shall be destroyed at the end of a ten (10) year period.
- J. Expungement of closed confidential juvenile records **(2-7070)**: During the preliminary inquiry, the juveniles and his/her parent/legal guardian and/or custodian will be advised of the procedures for expungement of juvenile records, in accordance with 10A O.S. § 2-6-109. The officer will obtain acknowledgement of receipt of information by completing "Acknowledgement of Receipt of Procedures for Expungement of Juvenile Records at the Age of Twenty-One (21)", Attachment J of Policy 7.3-2, "Preliminary Inquiry."
- K. Compliance Requirements for HIPAA and Confidential Juvenile Records **(2-7070)**:
1. The HIPAA codified as 24 USC, Section 201 et. Seq. provides for the privacy and protection of health information for the juveniles under the supervision of the court services department of the OCJB.
  2. All Intake/Probation Officers are responsible for obtaining confidential and Protected Health Information (PHI) necessary for review as it pertains to any incidental decisions before the court. "Instructions for Providing HIPAA Forms and Securing Authorization to Release and Receive Confidential Youth Information", Attachment A, provides officers a step-by-step guide for compliance and completion of all required HIPAA forms.
    - a. All juveniles are provided an explanation and copy of the "Notice of Protected Health Information (PHI) Rights", Attachment B.
      - i. This notice describes how the juvenile's PHI may be used and disclosed.
    - b. Privacy Notice and Acknowledgement of Legal Rights Under HIPAA: All juveniles and their parent/legal guardian/custodian are provided a copy of the "Privacy Notice and Acknowledgement of Legal Rights Under Health Insurance Portability and Accountability Act (HIPAA)", Attachment C.

- i. Sections I and II of Attachment C provide an explanation of privacy practices of the OCJB and an acknowledgement of rights.
  - ii. If the juvenile and his/her parent/legal guardian/custodian are in agreement with the contents of Sections I and II, they sign and date in the spaces provided. The OCJB Officer also signs and dates.
  - iii. If the juvenile and his/her parent/legal guardian/custodian are not in agreement with the contents of Sections I and II, the OCJB Officer indicates their decision by signing and dating in Section III.
  - iv. The OCJB Officer ensures the proper distribution of copies, as indicated at the bottom of Attachment C.
3. All juveniles and their parent/legal guardian/custodian are provided an explanation and copy of the "Authorization to Release Confidential Youth Information", Attachment D.
  - a. This authorization authorizes the specific information the juvenile and their parent/legal guardian and/or custodian give permission to release.
  - b. The OCJB Officer ensures that each section of Attachment D is completed, signed and dated by the person authorizing release.
  - c. The original signed and dated Attachment D is maintained in the juvenile's SF and/or Field File.
  - d. Copies may be provided upon request to the same parties listed on the bottom of Attachment C.
4. JOLTS shall be utilized to record any juvenile's PHI that is disclosed, to include:
  - a. Date of disclosure;
  - b. Name of entity or person who received the PHI;
  - c. A brief description of the PHI disclosed; and
  - d. A brief statement of the purpose of disclosure that reasonably informs the individual of the basis for the disclosure, or, in lieu of such a statement, a copy of the written request for a disclosure.
5. Activities that require an accounting of the disclosures of a juvenile's PHI:
  - a. Pursuant to a court order, investigation, grand jury subpoena, judicial or administrative proceeding, or other lawful processes that are not written within normal treatment operations for the OCJB;
  - b. Pursuant to inquiries from state registry or public health authorities for information regarding births, deaths, defects, cancer, infectious diseases, injuries and traumatic events,

- disabilities, child abuse and neglect or domestic violence as required by law;
- c. Pursuant to an inquiry from the Food and Drug Administration (FDA);
  - d. Pursuant to a person who may have been exposed to a communicable disease or who may otherwise be at risk of contracting or spreading a disease or condition;
  - e. Pursuant to an approved research project;
  - f. Pursuant to a law enforcement official for the purpose of locating a suspect, fugitive, material witness or missing person;
  - g. Pursuant to alerting law enforcement about an individual who has died;
  - h. Pursuant to reporting a crime to law enforcement;
  - i. Pursuant to reporting to a medical examiner or coroner for the purpose of identifying a deceased person, or determining the cause of death;
  - j. Pursuant to reporting to a funeral director so that they may carry out their duties; and
  - k. Pursuant to reporting information to military command authorities about members of the Armed Forces to assure proper execution of a military mission.
6. Minimum Necessary Disclosure of PHI: The OCJB shall make every professional and ethical attempt to provide only the minimum necessary information regarding use and disclosures of a juvenile's PHI. This includes, but is not limited to, only agencies and/or individuals who have the right to know and maintain this information. The information disclosed shall only be what is reasonably necessary for the particular use and to accomplish the intended purpose.
7. Prior to disclosing PHI, employees are to take the following actions:
- a. Access the type of PHI to be disclosed;
  - b. Understand the conditions under which such information can and will be disclosed; and
  - c. Ensure that the PHI being disclosed is in compliance with the "Authorization to Release Confidential Youth Information", Attachment D, or as otherwise provided for by Section III. K. 5. a.-k. of this policy.
8. All clients of the OCJB have a right to exercise their rights as it pertains to:
- a. The right to a paper copy of all notices;
  - b. The right to inspect and copy all PHI the OCJB has about the client as outlined in Attachment B, "Notice of Protected Health Information (PHI) Rights";
  - c. The right to request an accounting of certain disclosures;

- d. The right to request an amendment of their PHI; and
  - e. The right to request restrictions on certain uses and disclosures of their PHI.
9. Client Rights/Concerns Not Addressed in III. K. 8. a.-e. above: clients may also utilize the grievance procedure in addition or, or in lieu of, exercising their rights as identified in III. K. 8. a.-e. above and as described in Attachment B, "Notice of Protected Health Information (PHI) Rights" **(2-7174)**.

Approved:

 11/5/15  
J'me Overstreet, Chief of Court Services Date

Attachments:

- Attachment A: "Instructions for Providing HIPAA Forms and Securing Authorization to Release and Receive Confidential Youth Information"
- Attachment B: "Notice of Protected Health Information (PHI) Rights"
- Attachment C: "Privacy Notice and Acknowledgement of Legal Rights under Health Insurance Portability and Accountability Act (HIPAA)"
- Attachment D: "Authorization to Release Confidential Youth Information"
- Attachment E: "Authorization to Remove Confidential Records"

**INSTRUCTIONS FOR PROVIDING HIPAA FORMS AND SECURING  
AUTHORIZATION TO RELEASE AND RECEIVE CONFIDENTIAL YOUTH  
INFORMATION**

**BLUE:** Indicates you are providing a form

**YELLOW:** Indicate someone is signing a form

These forms only need to be completed one time, unless the youth turns eighteen (18) while in the jurisdiction of the OCJB as ordered by the Court:

All OCJB officers responsible for obtaining confidential and Protected Health Information (PHI) necessary for review *as it pertains to any incidental decisions before the court* shall complete the following steps either during the Intake process and/or Initial Office Visit conducted by the assigned OCJB officer:

- 1. Provide the Notice of Protected Health Information Rights.**
- 2. Provide the Privacy Notice and Acknowledgement of Legal Rights under HIPAA.**
  - Explain the contents of Sections I and II to the youth and the parent(s), guardian, or custodian(s). Request these individuals read the contents of both Sections I and II.
  - Section II. If the youth and the parent, guardian or custodian(s) (both, if available) are in agreement with the contents of this section, request them to sign Section II.
  - Section III. If the youth and the parent(s), guardian, or custodian(s) do not wish to sign Section II, the OCJB officer signs Section III and ensures that a copy of the Privacy Notice and Acknowledgement of Legal Rights under HIPAA is provided to the youth and personal representatives of the youth.
- 3. Follow the Routing of Copies instructions at the bottom of the Privacy Notice and Acknowledge of Legal Rights.**
- 4. Provide the Authorization to Release Confidential Youth Information.**
  - Explain the contents of the form to the youth and the parent, guardian, or custodian(s).
  - Complete the form, print and sign/date your name (OCJB officer).
  - Maintain the original in the youth's case file and provide copies when requested.

**Oklahoma County Juvenile Bureau (OCJB) .  
Court Services Intake, Diversion and Probation  
NOTICE OF PROTECTED HEALTH INFORMATION (PHI) RIGHTS**

**Notice of Protected Health Information (PHI) Rights:**

This notice describes how my PHI may be used and disclosed and how you can get access to this information. Please review it carefully.

**What the Oklahoma County Juvenile Bureau (OCJB) does:**

The OCJB protects the privacy of your PHI and follows all state and federal laws. You already have privacy protection under Medicaid and Oklahoma laws. This notice informs you about your privacy rights and what the OCJB, as an agency, may do with your health information by law.

**Your Protected Health Information Rights**

**Right to a Paper Copy of this Notice:**

You are receiving a copy of this notice. *This right does not apply to delinquent youth in a correctional institution and/or detention facility, a group home or any other contracted facility.*

**Right to Inspect and Copy:**

You have the right to see and have a copy of the PHI that the OCJB has about you. It will not include information needed for civil, criminal, administrative actions and proceedings, or psychotherapy notes and/or evaluations. *This right does not apply to delinquent youth in a correctional institution and/or detention facility, a group home or any other contracted facility if the health information would jeopardize the health, safety, security, custody, or rehabilitation of you, other offenders, or the safety of any employee.*

**Right to an Accounting of Disclosures:**

You have the right to request an accounting of certain disclosures. For each disclosure, you will receive:

- Date of the disclosure
- Name of the recipient and address, if known
- A brief description of the PHI disclosed
- A brief statement of the purpose of the disclosure or a copy of the written request for the information, if there was one.

When requesting an accounting of disclosures of your PHI, submit your written request to: Oklahoma County Juvenile Bureau, 5905 N. Classen, Suite 202, Oklahoma City, OK 73118, Attention: Chief of Court Services. Your written request must include the following (You will receive a written response from us within 60 calendar days):

- The specific time frame for the accounting, which may not be longer than one (1) year from the date your supervision was terminated;
- The specific time frame may not be for information disclosed before the date the OCJB was required to comply with HIPAA privacy regulations; and
- Your full name, date of birth, and contact information.

**Right to Amend:**

You have the right to request amendment of your PHI if you feel the health information we have about you is wrong or incomplete for as long as the OCJB maintains it. However, the OCJB may deny your request for amendment if:

- The OCJB did not create the information;
- The information is accurate and complete; and/or
- The information is the type of information that may not be provided to you by law (i.e., psychiatric PHI).

If your right to request for changes or amendment of your PHI is denied, the OCJB will provide you with a written notice stating the reason(s) for denial. You will further be advised of your right to submit a written statement disagreeing with the denial. When making a request for amendment of your PHI, submit your written request to:

(Chief of Court Services, as detailed above in *Right to Accounting of Disclosures*). Your written request must include the following (You will receive a written response from us within 60 calendar days):

- The specific reasons that you support and request the amendment of your PHI; and
- Your full name, date of birth and contact information.

**Right to Request Restrictions:**

You have the right to request restrictions on certain uses and disclosures of your PHI, as follows:

- To carry out treatment, payment or health care operation functions; and
- Restricting specific information to only specified family members, relatives, close personal friends or other individuals involved in your care.

The OCJB will consider your request, but is not required to agree to the requested restrictions *This right does not apply to delinquent youth in a correctional institution and/or detention facility, a group home or any other contracted facility.*

**To Exercise these Rights:**

To exercise these rights, a request for inspecting, copying, making restrictions, or obtaining an accounting of your health information must be made in writing to: Oklahoma County Juvenile Bureau, 5905 N. Classen Court, Suite 202, Oklahoma City, OK 73118 Attention: Chief of Court Services. Your request will be denied unless it contains the following information (You may be required to pay for copies) (We will respond to your request within 60 calendar days):

- Your full name, date of birth and contact information;
- Your personal representative/parent/guardian(s) full name and contact information; and
- A summary of complaint/request, date of request, the beginning and ending dates for which you are requesting.

**How OCJB, Court Services Intake, Diversion Probation May Use and Disclose Your Protected Health Information:**

OCJB may use your PHI when required to do so.

**For Business Associates:**

OCJB will use and disclose your PHI to business associates contracted to perform business functions on the OCJB's behalf. When an arrangement with another individual or company that involves the use or disclosure of your PHI by the OCJB, that business associate will be required to keep your information confidential and use or disclose it only to perform the contracted services.

**For Youth placed in a Correctional Institution, Detention Facility or whom require transportation:**

OCJB may use your PHI if you are placed in a correctional institution, detention facility, a group home or other contracted facility for any purpose which is allowed under HIPAA. For example, if you require transportation, your health information may be provided to the Transportation Officer(s) for your safety and the safety of the Officer(s).

**For Law Enforcement:**

OCJB may give PHI to law enforcement officials, subject to applicable federal and state laws and regulations, for purposes required by law or in response to a Court order or subpoena.

**For Oversight Activities:**

OCJB may share your PHI with other oversight agencies as required by law. Examples of oversight activities include audits, inspections, investigations and licensure.

**For Lawsuits, Disputes:**

If you are involved in a lawsuit or dispute, OCJB may provide your PHI in response to a court or administrative order. The OCJB may also provide your PHI in certain conditions in response to a subpoena, discovery request, or other lawful process.

**As required by Law:**

The OCJB will provide your PHI when required to do so by federal, state or local law. If the OCJB believes you may have been a victim of abuse, neglect, exploitation or domestic violence, the OCJB may disclose your PHI to an agency authorized to receive such information.

**Right to Cancel Authorization:**

You have the right to cancel your authorization to release your PHI. If you are asked to sign an authorization to use or disclose your PHI, you can cancel it at any time. You must submit a written request to cancel your authorization. Cancellation will not affect information that has already been disclosed.

**Changes to this Notice:**

The OCJB reserves the right to amend the terms of this Notice to be effective for all PHI that the OCJB maintains. This Notice is effective September 3, 2014.

Please ***sign*** the following forms and provide copies to your OCJB officer acknowledging that you have been provided this information, read and understood these documents:

Form: **Privacy Notice and Acknowledgement of Legal Rights under the Health Insurance Portability and Accountability Act (HIPAA), Attachment C**

Form: **Authorization to Release Confidential Youth Information, Attachment D**

**Oklahoma County Juvenile Bureau  
Court Services Intake, Diversion, and Probation  
PRIVACY NOTICE AND ACKNOWLEDGEMENT OF LEGAL RIGHTS UNDER HEALTH INSURANCE  
PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

Regarding: \_\_\_\_\_ Date: \_\_\_\_\_  
Youth Name Jolts#: \_\_\_\_\_

**I. NOTICE OF PRIVACY PRACTICES BY THE OKLAHOMA COUNTY JUVENILE BUREAU (OCJB)**

I have read the Oklahoma County Juvenile Bureau (OCJB) Notice of Protected Health Information (PHI) Rights and acknowledge that the OCJB has advised me of the following rights under HIPAA and state law:

1. The notice describes how medical information about me may be used, disclosed and how I may obtain access to this information.
2. I have the right to a paper copy of the Privacy Notice and Acknowledgement of Legal Rights under the HIPAA.
3. I have the right to inspect and obtain a copy.
4. I have the right to an accounting of disclosure.
5. I have the right to request an amendment.
6. I have the right to request restrictions.
7. I have the right to make a complaint with the OCJB and to have the complaint heard.
8. I have been informed of how my PHI will be used and disclosed by the OCJB.
9. In the event that I am under the supervision of the OCJB and placed outside of the home, I may be considered under HIPAA as my personal representative.

**II. ACKNOWLEDGEMENT OF RIGHTS:**

1. I have read and have been advised of my rights (as listed under "I." above).
2. I fully understand each of these rights.
3. I fully understand that if I am placed under the supervision of the OCJB or group home, detention center, or other contracted institutional placement that I will not be able to exercise many of my rights under HIPAA.
4. I, \_\_\_\_\_ as parent, guardian, attorney, adult relative, adult caretaker, or legal custodian understand the rights under HIPAA and acknowledge that the OCJB has provided them to me and my child.

\_\_\_\_\_  
Youth Date Personal Representative/Parent/Legal Guardian Date

\_\_\_\_\_  
OCJB Worker Date Personal Representative/Parent/Legal Guardian Date

**III. The parties do not wish to sign the acknowledgment, so I have provided them a copy of the notice.**

\_\_\_\_\_  
OCJB Worker Date

Copy Distribution:

- Juvenile's file (Original)
- Juvenile (Make copy available)
- Parent, Guardian, Custodian (Make copy available)
- Judge (If requested)
- District Attorney (If requested)
- Juvenile's Attorney (If requested)

**Oklahoma County Juvenile Bureau (OCJB)  
Court Services Intake, Diversion and Probation  
AUTHORIZATION TO RELEASE CONFIDENTIAL YOUTH INFORMATION**

_____	_____	_____	_____
<b>Print Youth Name</b>	<b>JOLTS#</b>	<b>Date of Birth</b>	<b>Social Security Number</b>



**COMPLETE THIS SECTION IF INDIVIDUAL IS OVER THE AGE OF 18:** I, \_\_\_\_\_, give permission for the OCJB to use and release my records described below to any party providing information incidental to decisions before the court, to include but not be limited to: members of the judiciary, district attorney, assistant district attorney, public defender, private counsel, parent/guardian, and OCJB officers, for the specific time frame of \_\_\_\_\_, or until I am released from supervision of the OCJB by the courts.



**COMPLETE THIS SECTION IF YOUTH IS UNDER THE AGE OF 18:** I, \_\_\_\_\_, parent/guardian/personal representative(s)/attorney, of \_\_\_\_\_, a youth under the age of 18 years, give permission to the OCJB to use and release his/her records described below to any party providing information incidental to decisions before the court, to include but not be limited to: members of the judiciary, district attorney, assistant district attorney, public defender, private counsel, parent/guardian, and OCJB officers, for the specific time frame of \_\_\_\_\_, or until he/she is released from supervision of the OCJB by the courts.

**This release authorizes permission for all records listed below unless specifically identified:**

Sexually Transmitted Disease	Dental Records	Master Treatment Plan and Updates
HIV/AIDS Related Information	Mental Health Records	Educational Records and Assessments
Medical History, Reports, Immunizations	Psychological/Neuropsychological Records and Reports	
X-Rays and Diagnostic Reports	Psychosocial History	Genetic Testing and Records
Prescription Medications	Doctor and Nurses Notes	Hospital Records and Pathology Reports
Psychotropic Medications	• Criminal and Case History and Court Records	
Drug/Alcohol Abuse Information, test results to include iCup testing	Substance Abuse Treatment	

**I do not give permission to release the following records:**

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I understand that the information authorized above for release may include what may be considered information about a communicable or venereal disease which may include, but is not limited to, diseases such as hepatitis, syphilis, gonorrhea, Human Immune-deficiency Virus (HIV), and Acquired Immune Deficiency Syndrome (AIDS). I understand that the information concerning a communicable or venereal disease is made confidential by law and cannot be released without specific permission except in limited circumstances, including release to the persons who have had risk exposures, release pursuant to an order of the court or the Department of Health, release among healthcare providers, or release for statistical or epidemiological purposes. When such information is released, it cannot contain identifying information unless release of the identifying information is authorized by me, by an order of the Court, by the Department of Health, or by law.

I understand that the person or organization who receives the health information requested may not be covered by federal and state privacy regulations or laws, and such protected health information may be re-disclosed and no longer protected by those regulations. I also understand that I do not have to sign this form. If I do not sign this form, it may prevent treatment or any other required eligible services from the OCJB. I understand that I can look at a copy of the information released under this authorization.

I understand that I may revoke permission to release information. If I want to do this, it must be in writing. I understand that I cannot revoke permission for information that has already been released. Unless I revoke permission earlier, this authorization will expire upon my release granted by the court from supervision of the OCJB.

I hereby waive and release any rights and claims I have or may have against the OCJB or its directors, employees, agents and servants, as well as all members of the judiciary who are involved or may become involved in my case of and from any and all liability whatsoever arising out of or resulting from the disclosure of the information requested to be released.

Signature of Person Authorizing Release	Date	Printed Name of Person Authorizing Release	Date
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Oklahoma County Juvenile Bureau (OCJB)  
Court Services Intake, Diversion and Probation

**"Authorization to Remove Confidential Records"**

I, \_\_\_\_\_ (PRINT NAME) \_\_\_\_\_, request authorization to remove the following confidential records from the OCJB:

Youth Name (Print)	Youth JOLTS #	Youth DOB	Record Type (SF, FF, JDL)	Purpose for Removal

The purpose for removing the above named records is: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If granted authorization, I will remove the records on \_\_\_\_\_ (PRINT DATE) \_\_\_\_\_, and return them to the OCJB on \_\_\_\_\_ (PRINT DATE) \_\_\_\_\_.

My signature below indicates that I am fully aware of my responsibility to maintain the confidentiality and security of the records, and to ensure the records are not left in a place that unauthorized persons have access to, either purposefully or by accident.

\_\_\_\_\_  
Requesting Employee Signature/Date

\_\_\_\_\_  
Authorizing Supervisor Signature/Date