

DSS ADMINISTRATIVE LETTER FAMILY SUPPORT AND CHILD WELFARE SERVICES FSCWS-07-07

TO: County Directors of Social Services

**ATTENTION: Children's Services Program Managers and
Supervisors
Children's Services Social Workers**

DATE: August 1, 2007

**SUBJECT: RELEASE OF HIV STATUS AND INFORMATION
ON A CHILD IN DSS CUSTODY TO FOSTER PARENTS AND
RESIDENTIAL CARE PROVIDERS.**

EFFECTIVE DATE: IMMEDIATELY

It is recognized that foster parents and residential care providers have a need to know the HIV status of children in their care. Infections or viruses that are less serious in a non-infected child can be fatal to an HIV-infected child, and foster parents must be aware of symptoms that require immediate medical attention. However, prior to disclosure of a child's HIV status, DSS must consider and protect the child's right to confidentiality. While concern for confidentiality exists throughout the service delivery system, information regarding persons infected with HIV requires special consideration. This is due to the potential social and psychological damage that can be caused by inappropriate sharing of such information.

G.S. 130A-143 provides that HIV status and information is strictly confidential and shall not be released or made public except under certain circumstances. One such circumstance provides that release of all or part of the medical record can be made with the written consent of the person or persons identified or their guardian. In this context, guardian applies to a local DSS having authority to release HIV status and information on a child in its custody on a need to know basis to foster parents and residential care providers.

Information on the child's HIV status should be shared only with persons who have a need to know, and persons informed should be told that re-disclosure of the information is prohibited without consent of the child, the parent or guardian. Best practice would suggest involving the parents in these decisions to the extent possible and appropriate.

If you have any questions about the information included in this Administrative Letter, please contact Thomas Smith of the Foster Care and Adoption Policy Team at (919) 733-2580 or at thomas.smith@ncmail.net.

Sincerely,



Esther T. High, Acting Chief

Family Support and Child Welfare Services Section

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| | Children's Programs Representatives |
| | Work First Program Representatives |
| | Local Business Liaisons |