

SCR 91/SR 49



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 29, 2011

MEMORANDUM

TO: The Honorable Suzanne Chun Oakland, Chair
Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **S.C.R. 91/S.R. 49 - REQUESTING A REVIEW OF THE LAWS AND
RULES RELATING TO THE CONFIDENTIALITY, PRIVACY, AND
PROVIDEDGE AND THEIR IMPACT ON JUVENILE INFORMATION
SHARING**

Hearing: Tuesday, March 29, 2011; 3:30 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of these resolutions is to request the Department of Attorney General to review confidentiality laws and rules pertaining to juvenile interagency information sharing.

DEPARTMENT'S POSITION: The Department of Human Services supports the intent of these resolutions. The challenges we face with our at-risk youth will never be overcome if information is not shared between agencies.

Accordingly, with the concurrence of the Department of the Attorney General, the DHS supports a review of existing federal and state laws relating to shared information concerning at-risk youth. The recommendations made should enhance the ability of schools, social service agencies, courts, and the juvenile and criminal justice systems to share information while safeguarding and protecting the rights of juveniles and their families.

Thank you for the opportunity to provide comments.
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ChunOakland3 - Serena

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Friday, March 25, 2011 3:33 PM
To: HMS Testimony
Subject: SCR91/SR49 to be heard Tuesday, 03/29/11, at 3:30pm in Room 016

TO: Senator Chun-Oakland, Chair
Senator Ihara, Vice Chair
Human Services Committee Members

FROM: Dara Carlin, M.A.
Domestic Violence Survivor Advocate
881 Akiu Place
Kailua, HI 96734

DATE: March 29, 2011

RE: Support for SCR91/SR49 with SUGGESTION

Good afternoon Senators. The purpose of this proposal will definitely assist youth and families who have multiple service providers who would need to communicate with each other to be on the same page, but I would also like to offer a word of caution in my research on the intent of confidentiality provisions.

The intent and purpose of client confidentiality is that it is the client's right, not the service providers' privilege. As such, the client also retains the right to waive confidentiality if he or she wishes. Unfortunately I've seen "confidentiality" cited to block, keep and prohibit information from being disseminated by persons OTHER than the client and in some instances, I've seen "confidentiality" used as the excuse to keep information from the client themself.

In a therapeutic relationship, confidentiality is assured UNLESS the therapist believes there is a real threat of danger to the client's self or others. In either of those two instances, confidentiality may be broken in order to enact a Duty To Warn, otherwise confidentiality is the assurance the provider gives to the client so while I see the value and necessity for loosening confidentiality to be inclusive of treatment teams and to facilitate collaboration, I feel there should be some mention or reminder that confidentiality remains the client's right.

Confidentiality was created to protect and keep the client safe from harm, not to protect those who work for or with the client, so while I'm in support of the intent of this measure I'd like to suggest a safety mechanism for those whom confidentiality serves:

If a line could be added to state that confidentiality is always the right of the client to preserve or waive as they choose.

Thank you for this opportunity to provide testimony and this suggestion to SCR91/SR49.

Respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate