



# WASHOE COUNTY

*"Dedicated to Excellence in Public Service"*

## DEPARTMENT OF SOCIAL SERVICES Child Care Services

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DATE: July 23, 2013

TO: Children's Services and Administrative Staff

FROM: Kevin Schiller, Director & Jeffrey Martin, Chief Deputy District Attorney

RE: Confidentiality and Foster Parents

Most of the proceedings under 432B are confidential. Dissemination of information kept by a child welfare agency is considered a misdemeanor.

The Court has addressed the role of the foster parents in 432B proceedings by an administrative order, actually entered back in May 31, 1995. While the foster parents are not a party to the 432B action, the Court has granted some exemptions to allow them to participate in a limited degree in the 432B action. Pursuant to that order, the current foster parent of a child may:

1. Attend and participate in all court proceedings under 432B with the exception of a protective custody hearing or an adjudicatory hearing;
2. Receive CASA recommendations and the children's case plan (case plan part B, not the parents' case plan however);
3. Orders after hearing may be provided to the foster parents;

The Court frequently asks the foster parents to participate in 432B proceedings, but only to the extent that their comments related to the care of the child or any input into services that the children might need. The Court rarely allows the foster parents to comment on the parents or the parents' progress in their case plan.

Foster parents are entitled to notice of all hearings in the 432B case (which the exception of PC hearings and adjudicatory hearings) either verbally or in writing. If a foster parent cannot attend a hearing however, the Court will not continue the hearing on that basis.

While the foster parents do have the right to the above, the parent's rights are tantamount in these cases. As a consequence, a parent, as a matter of right, can request that a foster parent be excluded from a hearing or not receive any information as provided above. If the parent objects, then the Court must grant the request.

It is hard to have a hard and fast rule, when it comes to information that would pertain to the foster parents' care of the child. Information that would be permissible include topics such as include visitation issues. Foster parents can and should get case plan part c, if the foster parent is responsible for transporting the child to visits. Information sharing about information such as substance abuse treatment of a parent is prohibited by state and federal law.

Information which is necessary to assist in the care of the children is permissible and in addition the foster parents have the ability to attend hearings to assist in understanding the parents' situation. Any re-disclosure of the information by the foster parent would still be a misdemeanor under 432B.280.