

20. Principal Asks a Child Protective Services Professional About an Investigation into an Alleged Case of Abuse Involving a Student



A middle school principal is notified that a Child Protective Services caseworker has arrived at the school to interview a student about allegations that the student is being abused by a family member. The principal meets the caseworker in the school's main office and explains that she would like a school staff member to sit in on the interview. The caseworker replies that the nature of the investigation requires that the interview be confidential. The principal doesn't feel comfortable with this requirement but allows the interview to go ahead.

When the interview is done, the principal asks the caseworker how it went, explaining that she would like only enough information to enable the school to support the student. The caseworker says that he cannot share any information with her.

Who has the information?

The Child Protective Services caseworker.

Who wants the information?

The middle school principal.

What information does the requester want?

The principal wants to know how the caseworker's interview with the student went.

What does the requester want to do with the information?

The principal wants to support the student.

Which laws are relevant in this situation?

State confidentiality laws regarding Child Protective Services records and the federal Child Abuse Prevention and Treatment Act (CAPTA).

What do the laws permit, and what do they prohibit?

Under CAPTA, states may provide otherwise confidential abuse and neglect information to entities or classes of individuals who are authorized by statute to receive such information pursuant to a legitimate state purpose. State law governs the disclosure of child welfare information to any third party. Each state has its own laws and regulations governing these types of disclosures; therefore, it is impossible to know in this situation what the laws permit and prohibit.

How can school personnel proceed legally in this situation?

Without knowing whether state statute authorizes the school to receive otherwise confidential information, it is not possible to say how the school should proceed.