

5101:2-20-05

Confidentiality and dissemination of adult protective services information.

- (A) Each referral, assessment/investigation and record of provision of services related to reports of adult abuse, neglect or exploitation is confidential as defined in section 149.43 of the Revised Code. Information in the statewide adult protective services information system is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code. Information may be shared only when dissemination is authorized by this rule.
- (B) If any person commits, causes, permits or encourages unauthorized dissemination of information, the county department of job and family services (CDJFS) or its designee shall give written notification of such unauthorized dissemination to the county prosecutor or city director of law and the Ohio department of job and family services (ODJFS). A copy of the written notification shall be maintained in the case record.
- (C) The CDJFS or its designee shall not release the identity of the referent/reporter, or any person providing information during the course of an assessment/investigation. The identities of these individuals shall not be released or affirmed by the CDJFS or its designee to any party without the written consent of the individual(s) involved, except to those individuals outlined in paragraph (D) of this rule.
- (D) The CDJFS or its designee may release the identity of the referent/reporter or any person providing information during the course of an assessment investigation to the following entities:
- (1) ODJFS staff with supervisory responsibility in the administration of Ohio's adult protective services program.
 - (2) Law enforcement when investigating a criminal case.
 - (3) The county prosecutor when information is needed for criminal proceedings.
 - (4) Another CDJFS or its designee assessing/investigating an adult abuse, neglect or exploitation report involving a principal of the case.
- (E) The CDJFS or its designee shall release case information contained in the adult protective services report, excluding the identity of the referent/reporter or any person providing information during the course of an assessment/investigation, to the following persons or entities:
- (1) Upon request, the information shall be released to:
 - (a) The adult who is the subject of the report.
 - (b) Legal counsel for the adult.

(2) The court, for the purpose of issuing any of the following:

(a) An ex parte order.

(b) A restraining order due to the obstruction of an investigation.

(c) A protective services order or emergency protective services order.

(d) A guardianship order.

(3) Law enforcement when investigating a criminal case.

(4) The coroner, to assist in the evaluation of an adult's death due to alleged abuse and/or neglect.

(5) To agencies authorized by the CDJFS or its designee for the purpose of assessing/investigating an adult abuse, neglect and/or exploitation report.

(F) No person shall knowingly do either of the following:

(1) Access or use information contained in the adult protective services information system or case record for any purposes except as authorized by this rule.

(2) Disclose information obtained from the adult protective services case record to any entity not authorized by paragraph (D) or (E) of this rule.

(G) Information within the adult protective services referral, report or information system shall not be used for the following purposes:

(1) Screening for employment.

(2) Screening for volunteerism.

(3) Screening for the purpose of any other background search, that would limit an individual opportunities that would otherwise be afforded to them without this information.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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