



## Explanation of Mandatory Reporting of Abuse, Neglect, or Exploitation



Harris County Domestic Violence Coordinating Council (HCDVCC) commits to maintaining our clients' right to privacy and confidentiality. There are circumstances, however, in which agency staff must by law disclose certain identifying client information. One circumstance would be if HCDVCC suspects the abuse, neglect, or exploitation of a child, a person who is elderly, or a person with a disability.

According to Section 261.101 of the Texas Family Code and Section 48.051 of the Human Resources Code, HCDVCC **staff must make a report to the Department of Family and Protective Services (DFPS) in the following situations:**

1. When there is reason to believe that a child has been abused, neglected, or exploited.
2. When there is reason to believe that an individual who is elderly or a person with a disability has been abused, neglected, or exploited.

### Notice of Confidentiality Rights

At HCDVCC you have the following rights regarding the confidentiality of your personal information and communications with HCDVCC staff and volunteers:

- 1 HCDVCC **will keep your information confidential to the greatest extent allowed by law.**
- 2 You may choose what information you want to provide to HCDVCC. **HCDVCC will not deny you access to services if you choose not to provide certain identifying information.**
- 3 As a client of HCDVCC, you have the **right to request and receive a copy of your records.** If you would like to do so, please work with your advocate to submit a request to the custodian of records at HCDVCC.
- 4 After your first appointment with HCDVCC, you may choose a referral to other (partner) agencies for additional help and support. Partner agencies include: Bay Area Turning Point, The Bridge Over Troubled Waters, Fort Bend Women's Center, Houston Area Women's Center, Daya, Northwest Assistance Ministries, Montgomery County Women's Center, and the Montrose Center. **You decide how much or how little of your personal information HCDVCC will or will not share with each partner agency.** An advocate will offer a general overview of each partner's obligations to keep your information confidential. If you choose to have HCDVCC share some of your personal information with a partner agency, an advocate will explain exactly *how* and *what* information will be shared. If you later decide that you do not want the information shared with any HCDVCC partners, let us know and we will not share any more information with those partners.
- 5 HCDVCC keeps client records, but limits the information it keeps to items needed to establish goals and advocacy, document the need for and delivery of services, protect the liability of the center and its employees, volunteers, and board members, as well as for statistical and funding needs. HCDVCC keeps these files for 5 years regardless of whether you exit voluntarily or if for some reason your services are terminated. HCDVCC limits access to files to staff working on your case. This includes advocates working with you, their immediate supervisor, and the Executive Director.
- 6 If you have any questions or concerns about this notice or your rights, or if you have a concern that your confidential information was not treated appropriately, please contact Nidia Cantu at [ncantu@hcdvcc.org](mailto:ncantu@hcdvcc.org).
- 7 HCDVCC will not share the information you provide including your name, address, phone number, and other information that could identify you with other individuals or agencies without your permission unless it falls under the following exceptions:
  - a. If you **sign an informed, written, reasonably time-limited written release** for HCDVCC to speak with someone outside of the agency, which can be revoked by you at any time.
  - b. **HCDVCC staff are required by law to report certain situations even if you don't give them permission to share or report the situations.** This includes reporting suspected child abuse, neglect or exploitation, and the abuse, neglect, or exploitation of the elderly or a person with a disability. In Texas, program staff reserve the right, but are not required, to alert outside people if there is an imminent threat to a client or others close to them. Staff and advocates will inform you of any reporting requirements prior to having conversations with you and will tell you when they must make a report and what information will be shared. Even when these reports are made, HCDVCC should not share information beyond what is required by law.
  - c. If a properly issued court order is received, a staff member will contact you. If you do not want the file released, HCDVCC's attorney will file a Motion to Quash. If the motion is not successful, HCDVCC will comply with the court order.
  - d. HCDVCC staff are required by state law to report abusive, illegal, or sexually exploitative acts committed by other mental health service providers.
  - e. HCDVCC must share some general information about the types of services provided and overall demographics (e.g., age and income ranges, average number of children, ethnicities) of people that use HCDVCC services with the agencies that fund HCDVCC **like the Office of the Governor (OOG) and the Department of Housing and Urban Development (HUD) depending on which program you are being served by.** However, **HCDVCC will never share information that specifically could identify you as someone who used their services unless specifically authorized in writing by you.**
  - f. HCDVCC staff may share your information with other staff in order to assist with service provision.



### Considerations for Remote Consent for the Informed Use of Technology based Communications (Phone, Texts, Individual and Group Video Chats, Email, Electronic Signatures)



Remote informed consent might be needed for survivors who live far away from the program, those who are at work during the program’s office hours, and those who may not be able to easily meet in-person for any number of reasons including cases of emergency. Alternative options, like using phone, text, email and video chat/meetings have issues related that include preventing impersonation, privacy, and safety concerns.

You have the right to private and confidential communications with HCDVCC and the right to accept or refuse sharing your personally identifying information (PII) as follows:

- It’s up to you to determine the best way to meet your current need by having HCDVCC disclose personally identifying information (PII) OR NOT, including by technology based communications;
- You are aware of the pros & cons of sharing information (listed below) and communicating via technology based communications, as well as alternative ways to meet the need without providers having to disclose PII;
- These technology based communications (What’s app, Go To Meeting, Zoom, Teams, other virtual communication platforms, text, cell phone, email, etc.) will only be used if in person meetings cannot be had, there isn’t an ability or enough time to complete a traditional written, and/or signed consent either in person or via mail is obtained;
- We will store your PII data/file on Microsoft 365/Sharepoint unless you decline.
- HCDVCC can confirm we are actually communicating with the survivor whose PII will be disclosed – see below;
- HCDVCC has clear written instructions on the release form about what information should be disclosed, to whom the survivor wants it disclosed, the method by which it will be disclosed, and the time limit for making the disclosure;
- You were able to review a written version of those instructions on the form before signing it.

**Preventing impersonation:**

Can we establish a code to be texted or spoken to ensure it’s you when using text or phone calls to communicate?

**Privacy and safety:**

Email is not a secure way to communicate. Abusive partner may have your email password, can you create a new email for our communications? If not, can you erase the emails from my agency from the inbox and deleted box? **Please limit the personally identifying information you send in emails to only what is necessary.** Most email providers (even many of those marketed as encrypted) have access to the content of the emails sent and received by account holders. If they can access the content, then the communication may not be regarded at truly confidential.

Can you let me know when the safe times for communication for phone, text, or video chats are by sending me a text with the code we agree on?

Can you erase all your texting with me right after if you feel the abusive partner will see your phone or is capable of commandeering your phone and looking without your permission?

Abusive partner may have GPS activated on your phone to know your whereabouts – please de-activate.

Abusive partner may have loaded spyware on your cell phone or can trace electronic signature documentation. Please check all apps and security settings.

Technology based communications may be HIPAA compliant but still not completely safe to use. Those cloud based/internet based platforms may have administrators and employees that have access to the communications/use/information shared, so not just HCDVCC staff has access to the information. In addition, their policies may say the company will respond to court orders accordingly which may adversely affect any court proceedings you have or will have with your abusive partner.

Phone 1: \_\_\_\_\_ Safe to call?  No  Yes Safe to text/leave message?  No  Yes

The safe times to contact me are: \_\_\_\_\_.

The code word I’ll use if not safe is: \_\_\_\_\_.

Is it safe to e-mail you?  No  Yes

For more detailed safety using technology information, please go to the website below

<https://www.techsafety.org/resources-survivors>

### RELEASE OF LIABILITY

I, \_\_\_\_\_ (client’s name), have requested non-shelter domestic violence intervention services for myself and my child/ren (if applicable).

For and in consideration of intervention services provided by HCDVCC, I hereby release and discharge HCDVCC, a non-profit organization, its directors, officers, agents, and volunteers of and from any and all manner of claims, cause of action, debts, or demands, which I, my heirs, successors, or assigns, may have hereafter for claims in connection with personal injury, property damage, theft, any and all claims of any sort whatsoever arising in connection with my services provided by HCDVCC.



## Grievance (Complaint) Procedures



\*HCDVCC values your input on how we provide services and wants to hear about your experience. Any information you provide will be taken seriously and will help us continue to improve our services for every survivor.

\*If you have a question or complaint about something that occurred while you were at HCDVCC, the first step is to discuss this with your advocate.

\*If you are not able to come to an acceptable result after discussing the issue with your advocate or do not feel comfortable talking about the issue with them, HCDVCC encourages you to submit a grievance or complaint. If you prefer not to submit it in writing, please ask to talk to Nidia Cantu-Manager of the Harris County DVHRT initiative (phone #713-377-4906). She will make every reasonable attempt to review your grievance within 3 business days or sooner. The DVHRT Manager will review your grievance first, followed by Alicia Nuzzie, the Director of the Harris County DVHRT initiative (phone #281-400-3680, ext.5), if necessary.

\*If a resolution is not achieved through these steps, you can request that the grievance go before Barbie Brashear - the Executive Director, who will make every reasonable attempt to review it within 5 business days. This is the final step in the grievance process and the decision made at this point will stand as the final decision from HCDVCC. If at any point you would like the contact information for the Health and Human Services Commission Family Violence Program, one of HCDVCC's funders, your advocate will provide that to you at your request.

\*Follow the steps below to file a grievance with HCDVCC:

Write up the grievance (complaint) and sign and date it. Your advocate can provide you with a form or you may write your own. If you prefer not to submit it in writing please ask to speak to the Manager of the Harris County DVHRT initiative Nidia Cantu at 713-377-4906. Include the following details:

- a. Name and advocate's name
- b. Details about the situation or concern
- c. Date of the issue or incident
- d. Any specific way you would like to see the issue resolved

### Termination Policy

If my behavior puts the safety of other clients, staff, and/or volunteers at risk, HCDVCC may exit me from services. These behaviors include:

- Being violent and/or abusive towards others

If HCDVCC exits me from services due to one of the above, I understand that I can request:

- An exit interview in order to discuss services
- A safety plan
- Referrals to other community resources that may be of assistance to me.

HCDVCC will make every reasonable effort to have the exit process planned collaboratively by client and advocate.

I also understand that I have a right to file a grievance (complaint) or an appeal if I believe that the exit is not appropriate. My advocate can provide me with that form. I also understand that HCDVCC will retain my records for five years, and that I have a right to request a copy.

I also understand that I can request contact information for the Health & Human Services Commission Family Violence Program for complaint purposes.

*Note: When exiting someone from services, HCDVCC complies with the Americans with Disabilities Act; Title VI of the Civil Rights Act; §504 of the Rehabilitation Act; the Age Discrimination Act of 1975; and other applicable laws and regulations. HCDVCC will apply this policy equally to all people.*



# Rights & Responsibilities – Non-Resident Services



Everyone at the Harris County Domestic Violence Coordinating Council (HCDVCC) has the following rights and responsibilities:

- Participate in creating a safe environment. We ask that you help prevent abuse and violence by not committing physical, emotional, or verbal abuse with staff, volunteers, or other clients. We also ask that you not bring drugs, alcohol, weapons, or other unsafe items onto HCDVCC property.
- Receive respect without discrimination on the basis of national origin, language, religion, race, color, gender identity, gender expression, or sexual orientation.
- Have your interests and personal choices recognized without blame or judgement. We are here to support you in making your own decisions.
- Have your civil and legal rights honored and upheld.
- With the exception of mandatory reporting as required by law or a court order, to have information that would identify you kept confidential and only released with your specific written consent. We ask that you respect the private information and safety of other clients by not discussing names of, or information about, other clients, except with HCDVCC staff, if necessary.
- Have all policies, procedures, expectations, client rights, and other relevant information, especially any document requiring your signature, explained to you in your chosen primary language.
- Be responded to respectfully without opinion or judgment when offering your statement of events. If a conflict with a staff member arises that you feel cannot be resolved, you can speak with the Director of Services, as outlined in HCDVCC's Grievance Policy.
- Have an advocate, when requested and when possible, advocate on your behalf.
- Be provided with personalized services, including referrals that are in your best interest. You also have the right to refuse any services offered in this agency and to discuss with staff any concerns or disagreements regarding services.
- Ask for what you want and need, to change your mind, and to choose not to answer a question.
- View or request a copy of your client file anytime you ask for it.
- Not be exploited or abused in any way by a staff, volunteer, or board member of this organization.

## Nondiscrimination Statement

HCDVCC is committed to serving any survivor of family violence without discrimination. In determining the eligibility of individuals seeking services, HCDVCC bases its screening procedures solely on the individual's status as a victim of family violence as defined by Chapter 51 of the Human Resources Code. According to this and Texas Administrative Code §379.605 or §379.2005, you are eligible for services if you have experienced family violence, dating violence, or been in the same household as someone who has experienced family violence.

We will not discriminate against anyone seeking services based on the following:

- Type of abuse
- HIV status
- Having a primary language that is not English
- Income
- Number of previous times services have been sought from this organization or other family violence programs
- How long it has been since the family violence happened
- Geographic location, such as the county you are from
- Number of children accompanying the victim
- Race, religion, language, color, sexual orientation, gender identity, or gender expression
- Mental or physical disability
- Mental health or substance abuse issue
- Immigration status or national origin
- Age – including minors with some considerations

These are based off the values of HCDVCC and the following state and national regulations: Civil Rights Act of 1964, Title VI; Texas Administrative Code Chpt. 395; 42 USC Chpt. 110; Rehabilitation Act of 1973; Americans with Disabilities Act; Age Discrimination Act; Texas Family Code 32. 004; Human Resources Code, Chpt. 31; Texas Health and Safety Code §85. 113 and §85. 114.

***If you have any questions, please let a staff member know.***

Client Name: \_\_\_\_\_ Osnum #: \_\_\_\_\_ Date: \_\_\_\_\_



## Wellness Check



Feel free to share as much as you feel comfortable while receiving services from HCDVCC. Some services may have time limits, so I will let you know when that applies, but the most important thing I want you to know is that our door is always open. HCDVCC's main goal is for you to know what options and services are available so that you get to make choices and decisions that are right for you. Do you mind if I ask a few questions to get to know you so that I can offer the best help?

1. How are you doing today?
2. How are you doing physically? Do you need any emergency medical attention?
3. Do you have any children? If so, do you need anything for your children right now?
4. What questions can I answer for you about our agency?
5. Can you tell me about what's your main concern?
6. What do you think is important for me to know about you?
7. What are your biggest worries?
8. What types of services would be most helpful to you right now?
9. Is there anything you need help with today before we end our conversation?
10. Explanation of available services (some services depend on if funding is available):
  - Confidentiality
  - Assessments to evaluate your individual situation for best options with services and safety
  - Personalized safety planning and crisis intervention
  - Information about victim's rights and services available for victims in the criminal justice system
  - Flexibility in scheduling support for face to face (virtual and/or in person) meetings
  - Navigation/advocacy with different systems/programs in the community, such as:
    - \* Law enforcement
    - \* Harris County District Attorney's Office
    - \* Family Law
    - \* Domestic Violence agencies
    - \* Housing
    - \* Immigration assistance
    - \* Public Benefits
    - \* Medical field
    - \* Others, as needed
  - Crime Victim's Compensation assistance
  - Address Confidentiality Program assistance
  - Information regarding protective measures/tools to increase safety
  - Advocacy within the criminal justice system to help increase offender accountability, if desired

