



ADMINISTRATIVE RULES OF MONTANA



37.97.128 YOUTH CARE FACILITY (YCF): CONFIDENTIALITY OF RECORDS AND INFORMATION

- (1) All records maintained by a YCF and all personal information made available to a YCF pertaining to an individual youth must be kept confidential and are not available to any person, agency, or organization except as specified in (2) through (4) of this rule.
- (2) All records pertaining to an individual youth are available upon request to:
 - (a) the youth's parent, guardian, legal custodian, or attorney absent specific and compelling reasons for refusing such records;
 - (b) a court with continuing jurisdiction over the placement of the youth or any court of competent jurisdiction issuing an order for such records;
 - (c) a mature youth to whom the records pertain, absent specific and compelling reasons for refusing specific records; or
 - (d) an adult who was formerly the youth in care to whom the records pertain absent specific and compelling reasons for refusing such records.
- (3) All records pertaining to individual youth placed by the department are available at any time to the department or its representatives.
- (4) Records pertaining to individual youth not placed by or in the custody of the department shall be available to the department for the purposes of licensing or relicensing the YCF.

Authorizing statute(s): 52-2-111, 52-2-603, 52-2-622, MCA

Implementing statute(s): 52-2-113, 52-2-622, 53-2-105, 53-2-106, 53-2-201, MCA

History: NEW, 1978 MAR p. 88, Eff. 1/26/78; AMD, 1983 MAR p. 742, Eff. 7/1/83; AMD, 1984 MAR p. 1635, Eff. 11/16/84; AMD, 1986 MAR p. 2080, Eff. 12/27/86; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 663; AMD, 2011 MAR p. 387, Eff. 3/25/11.