

# Developing a Juvenile Justice Information Sharing Agreement: Process and Pitfalls

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# Developing a Juvenile Justice Information Sharing Agreement: Process and Pitfalls

## Introduction

This guide is intended to provide juvenile justice professionals with the process and pitfalls of developing a juvenile justice information sharing agreement. It will describe the experience of juvenile justice stakeholders of Jefferson Parish, Louisiana to provide a real-world example of how a successful agreement was reached. Many jurisdictions beginning this process may become disillusioned or lose motivation because the process does not go smoothly. This guide will show that persistence and agreement on a common goal will result in success.

Jefferson Parish is located directly adjacent to the city of New Orleans and has been at the forefront of juvenile justice reform in Louisiana. A core component of the reform process in Jefferson Parish was the work of the local collaborative called the Children & Youth Planning Board (CYPB). This collaborative is tasked with improving the lives of *all* children and youth in the parish; however, much of the work has centered on juvenile justice and youth from other systems who are involved with the Juvenile Court. Through the stakeholders of the CYPB, the local information sharing initiative was conceived and organized in 2004. The process that followed included local and national experts, dozens of meetings, and hundreds of hours of work resulting in a fully-implemented model Memorandum of Understanding for Juvenile Justice Information Sharing.

## Setting the Stage

Following implementation of the Louisiana Children & Youth Planning Board Act of 2004, the Jefferson Parish Children & Youth Planning Board drafted and executed a documented called the *Interagency Relationship Cooperative Agreement of the Jefferson Parish Children and Youth Planning Board*. This document was rightfully intended to enhance information flow between agencies through the consent of agency stakeholders. It was signed in a media event by every stakeholder involved in providing services to youth and families. This seminal agreement contained a mission statement, roles and responsibilities, and an agreement to share resources. It was celebrated as a statement of solidarity around children and youth issues and was a first step in joining together stakeholders around a common issue-the children and youth of Jefferson Parish.

At the same time, the CYPB organized the Interagency Operations and Training Committee. Under the purview of this committee, a work group was created to improve interagency communications. The work group consisted of representatives from each agency in the parish that engages youth and families. Members began to assess barriers preventing information sharing between agencies and determined the most prevalent barrier to be that the consent/authorization to release information forms varied across agencies.

The work group devised a plan to consolidate the various consent forms into one universally accepted document to facilitate the flow of information. The plan included assembling attorneys from each stakeholder agency to develop the universal consent form. After several meetings of attorneys, an end product

was agreed upon that complied with each agency's legal requirements. This universal consent form replaced existing forms used by stakeholder agencies. Although its use and acceptance was supported by the Children & Youth Planning Board members, it was difficult to get all personnel across the various agencies to use the new universal consent form.

Upon discussing the causes for agency personnel not using the form, work group members concluded that agencies needed training using the universal consent form. A training curriculum was developed and trainings were scheduled. However, as trainings occurred it became clear that line-level staff were reluctant to use the form over existing forms for very practical reasons. The trainings ultimately were not successful, but resulted in the work group revisiting the universal consent form to identify concerns expressed about the new document.

The work group identified several concerns. First, although the universal consent form was designed to simplify information flow, the new form was expanded from two pages to a five-page document. Second, the revised document contained many duplicate fields requiring more time to complete. Lastly, the form consisted of four sections each addressing specific aspects of federal laws (i.e., Health Insurance Portability and Accountability Act [HIPAA], Family Educational Rights and Privacy Act [FERPA], and 42 Code of Federal Regulations [CFR] Part 2). The new form was neither practical nor efficient.

In order to identify required fields and construct a more efficient universal consent form, members of the work group researched federal statutes regarding required elements for consent forms. The ensuing report, entitled

*Release of Information Report* (Ryals & Villio, 2007), surveyed federal regulation requirements for consent forms, measured each of the existing consent forms against federal requirements, and proposed a combined consent form that was compliant with federal requirements. It also reviewed the *Interagency Relationship Cooperative Agreement* and found that the agreement fell short of describing specifically what each agency's responsibility was in receiving and releasing information. The report initiated the drafting of a common comprehensive consent form and an investigation into interagency information sharing.

As this process evolved, the Children & Youth Planning Board began juvenile justice system reform through the John D. and Catherine T. MacArthur Foundation's Models for Change Initiative (MfC). Under this initiative, juvenile justice information sharing became a major focus of training and technical assistance. The *Models for Change Information Sharing Tool Kit* was developed through MacArthur Foundation support. This document established guidance for state and local jurisdictions' information sharing projects. Through this training and with technical assistance, the work group dove into the process of developing an information sharing agreement that embraced the principles, philosophy, and process developed through the Models for Change initiative.

The first step taken by the work group was the creation of a catalog of the many laws, statutes, and codes that concerned juvenile justice information sharing. The work group recognized that the expansive amount of information and front line staffs' lack of knowledge created reticence to engage in creating an information sharing agreement. To improve access to

relevant regulations, work group members cataloged local, state, and federal laws, professional discipline codes of ethics, and agency policies and procedures. These were divided into laws requiring confidentiality, laws permitting disclosure, and laws allowing information flow for the purpose of interagency planning. The document, entitled *Practitioner's Guide to Confidentiality* (Jefferson Parish Children & Youth Planning Board, 2009), indexed the regulations by discipline, regulation number (e.g., Louisiana Children's Code Article 412), and by key agency to simplify use of the document by line staff and administrators. The *Practitioner's Guide* was critical to the success of the information sharing initiative that followed because it was a ready-made reference for researching specifics of the memorandum of understanding.

As the work group began the process of developing the information sharing memorandum of understanding lessons from past experiences became increasingly salient. The work group and CYPB were aware that a structured approach was necessary to complete the MOU. Also, the process would involve multiple resources over a long period of time due to the complexity of organizing the information. However, stakeholders were committed to each other and agreed that an information sharing agreement was necessary to improve communication, reduce ambiguity, enhance coordination, and protect the privacy of youth and families involved in the juvenile justice and child welfare systems.

## Step-By-Step MOU Process

The following steps closely follow the process described by the Models for Change Information Sharing Toolkit for Category One information sharing. These are the milestones leading to the development of a model information sharing agreement and follow a work plan created by Models for Change National Resource Bank (NRB) consultants Janet Wiig, Robert F. Kennedy Children's Action Corps, and Lourdes Rosado, Juvenile Law Center, contained in Appendix A.

**Helpful Hint: *At each step in the process, provide stakeholders copies of the work plan and the status of the project to reinforce their involvement.***

**Step One: Identify all agencies to be involved in this effort and share with each of them the work plan for developing an information sharing agreement.** Stakeholders were previously organized through the Children & Youth Planning Board Interagency Operations and Training Committee. Meetings were held to discuss the work plan drafted by the NRB consultants. Discussions were held regarding stakeholders' agreement to the plan and next steps. Work group members agreed to move forward with the work plan as drafted.



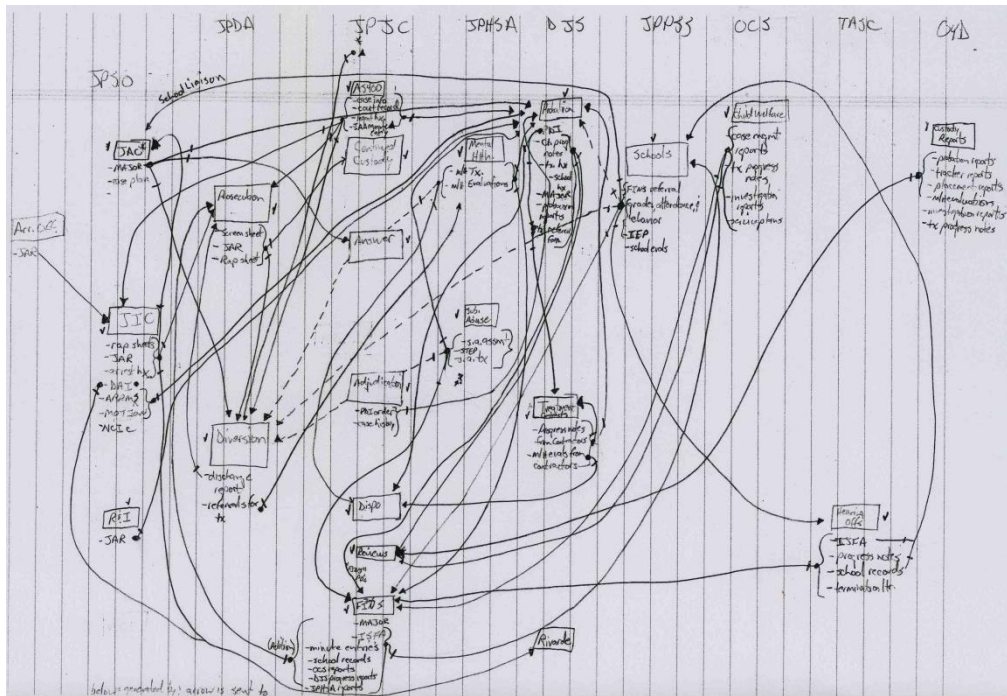


Figure 1: Jefferson Parish Process Map

Stakeholders involved in the work group included:

- Jefferson Parish Juvenile Court
- Jefferson Parish District Attorney's Office
- Louisiana Department of Children and Family Services
- Jefferson Parish Department of Juvenile Services
- Jefferson Parish Human Services Authority
- Jefferson Parish Public School System
- Louisiana Office of Juvenile Justice
- Jefferson Parish Sheriff's Office

- Describe how the information will be used

In order to catalog the information needed in this step, each stakeholder agency compiled a list of the information they generate regarding youth and families for each program in their agency. Information included reports, progress notes, evaluations, and similar documents. For each program, the following questions were asked:

**Step Two: Working with a small group of agency representatives, identify all key decision points that may require the sharing of information and map out the proposed flow.**

- Specify exactly what information is to be disclosed by each agency, to which agency the disclosure will be made, and at what point in the juvenile court process the information will be shared
- State the need or purpose for sharing information at each of the points

1. Who receives the information from the program?
2. Who requests the information from the program?
3. What information is requested/from whom/why?
4. What information is sent to whom?
5. At what point in the juvenile justice system?

Information collected clarified the types and purposes of information flowing between programs and the positions of the individuals in the agency requesting



the information (e.g., probation officer, case manager, or hearing officer).

A map of the information flow between agencies and programs was created. The work group initially used a hand-drafted map of the information flow between programs (Figure 1). The map described the type of information released by the agency/program to another agency/program at a particular point in the juvenile justice process. The map indicated information needed by other agencies as opposed to what is actually generated. Each agency was listed at the top with the programs they support below. Lines indicate information flow to a particular program.

**Step Three: Identify what laws and policies govern the sharing of information at each decision point.**

- **Utilize a matrix to organize laws and policies across agencies to pinpoint the circumstances under which the information mapped in Step Two above may and may not be shared**

- **Identify any existing memoranda of understanding or policies that govern information sharing across agencies**
- **Identify any needed law and policy development for information sharing**
- **Identify any changes in practice to be implemented to ensure compliance with governing laws regarding disclosure of information**

A spreadsheet for each agency was created (Figure 2) that listed where information was sent from each program, the statute/policy *prohibiting* release of information, any statute/policy *permitting* information to be shared, notes/questions, and what is required for releasing the information. The prohibitive and permissive statutes/policies were researched using the newly created *Practitioner’s Guide to Confidentiality*. Notes included questions or points to consider. The below example describes the Jefferson Parish

PROGRAM	INFORMATION (SENT TO)	LIMITING STATUTE/POLICY	PERMISSIVE STATUTE/POLICY	NOTES
MENTAL HEALTH	Mental Health Treatment (Informal FINS, Diversion, Disposition, Probation)	C.E. Art. 510(c); R.S. 37:3390.4 & Title 46 Part LXXX (LAC's), R.S. 37:1105 & 1114 & ACA Code of Ethics (LPC's, LMFT's), Title 37, Ch. 35; Title 46: Part XXV (MSW's), and 42 CFR Part 2, §2.1(a) (anyone providing substance abuse treatment); HIPAA 164.502(a)	HIPAA	
	Mental Health Evaluations (Informal FINS, Diversion, Disposition, Probation)	a., b., & c.: Psychologist Code of Ethics 2002, §4.01; R.S. 37:28, §2363(A); C.E. Art. 510(C); HIPAA 164.502(a)	HIPAA	Note: HIPAA does not cover eligibility screening for a court-mandated program. See ??

Figure 2: Sample Agency Spreadsheet

Human Services Authority's mental health services program. The Notes column also contained questions or comments stemming from the research of laws and policies. For example, "How does 42 CFR Part 2 impact/supersede HIPAA?" and, "What laws govern assignment of child welfare cases?"

Stakeholders were asked to identify any existing Memoranda of Understanding or policies relating to information sharing. Two documents were found that addressed information sharing between agencies. A few stakeholders were under the impression they operated under a memorandum allowing information sharing when there was none or the memorandum did not specifically address information sharing. Further, when asked about the mechanisms that allow information sharing, line level staff would cite a cooperative agreement or memorandum that they had not seen or received training on its provisions.

Through the process of identifying the laws and policies permitting and prohibiting information sharing, the work group identified several laws and policies with potential for revision. For example, statutes in the Louisiana Children's Code are vague regarding the release of forensic mental health evaluations to treatment providers or parents. Also, the Children's Code lacks guidance on review hearings for adjudicated status offenders.

It is important to note that work group members need to have a fairly comprehensive understanding of the laws and policies relating to information sharing for this step in the process. In Jefferson Parish, the *Practitioner's Guide* was very helpful in this step. Draft tables for each agency were presented to work group members for their feedback and responses. Many questions were answered or clarified.

Remaining questions were then compiled into a separate document to be presented to agency attorneys (Figure 3). Using the final list of questions, meetings were scheduled with each agency's attorney to clarify laws and other conditions under which information can be shared. Meetings provided opportunities to further explain the information sharing initiative, discuss the risks and benefits of developing a memorandum of understanding, and develop working relationships between agency attorneys and information sharing work group members. Results from meetings were answers to questions and, sometimes, more questions. Questions that could not be answered locally were deferred to legal experts from the MacArthur Foundation's Models for Change National Resource Bank.

It is important to be mindful that not every attorney will know all of the regulations regarding information sharing. Typically, attorneys specialize in laws affecting the agency that employs them. Agency attorneys may not be aware of regulations that allow information to be released from other agencies. For example, an attorney for a child welfare agency may not be familiar with laws allowing a substance abuse treatment provider to release progress notes to juvenile a court.

**Step Four: Develop protections for the information that is to be shared.**

- **Identify who will have access to the information**
- **Specify how the information may and may not be used by its recipients**
- **Specify the circumstances under which a recipient may further disseminate information received through the operation of the agreement, including for what purposes further disclosure will be permitted**

**QUESTIONS/NOTES-INFO SHARING (Rev. 8/11/08)**

**Jefferson Parish Juvenile Court**

1. Does TASC fall under Juv. Court for info-sharing/confidentiality?
2. Does FINS fall under Juv. Court for info-sharing/confidentiality?
3. Can DJS Probation Officers give info to Informal FINS Hearing Officers? What law/statute? Is it protected/confidential?
4. Need information-sharing agreement to allow DJS PO's to give progress notes to Informal FINS Hearing Officers.
5. Need information-sharing agreement for Court to authorize releases from probation to other agencies per Ch.C. 412.
6. What laws govern court ordered mental health evaluations being released by probation?
7. Does informal FINS "enforce child abuse neglect law in violation of criminal statutes in this state" (ref DSS policy 1-515)?
8. What law governs OCS cases when assigned by Court?
9. TASC MOU does not address confidentiality or information-sharing.
10. Consider court order to share information for purpose of case coordination (blanket order). Drawbacks?
11. Are cases in Informal FINS considered "proceedings" before juvenile court? Need to change informal FINS laws?
12. Are PO's acting under authority of court when they send out treatment referrals? (see Ch.C. 412(D)(10))
13. Are Case Managers, Rivarde, & Probation Officers designated "officers designated by the Court to receive such [arrest] reports"? (Ch.C. 814(E))

**Jefferson Parish Sheriff's Office**

14. What law/statutes protect arrest records generally?

**Jefferson Parish District Attorney's Office**

15. Is Juvenile Diversion governed by "DA" and "prosecution" and mental health/substance abuse laws/codes?
16. What law(s) allow DA to give info to court?
17. What laws prohibit/allow prosecution's release of JAR/screening to Diversion?
18. Are Juvenile Diversion referrals for treatment to outside agencies Protected Health Information under HIPAA?

**Jefferson Parish Department of Juvenile Services**

19. Can DJS Probation Officers give info to Informal FINS Hearing Officers? What law/statute? Is it protected/confidential?
20. Need information-sharing agreement to address releasing progress notes from treatment providers to Probation Officers. Confidentiality can it be included in contract?
21. What laws govern court ordered mental health evaluations released by probation? (to whom?)

**Jefferson Parish Clerk of Court**

22. What are criteria for Clerk of Court to release records? Policy? Law?

**Jefferson Parish Human Services Authority**

23. How does 42 CFR impact/supersede HIPAA with JPHSA records?

**Jefferson Parish Public School System**

24. What statute allows referrals by school to Informal FINS?
25. What MOU's are in place for sharing access to Infinite Campus with Informal FINS? Is FERPA the limiting statute?

**Louisiana Office of Community Services-Child Protection**

26. Does informal FINS "enforce child abuse neglect law in violation of criminal statutes in this state" (ref DSS policy 1-515)? If so, can OCS share information with informal FINS without information-sharing agreement?

Figure 3: Agency Questions Regarding Information Flow

- **Identify how the subject of the information will be protected during its use and after its use**
- **Develop proposed law and policy to protect the subject of the information from its misuse**
- **Develop a registry of system of recording requests, transmissions, and receipts of information**
- **Develop a protocol for the handling of complaints of improper disclosure or use of information subject to the agreement.**

**Step Five:** Identify the information sharing mechanisms that currently exist.

- **Identify existing procedures, roles, and responsibilities**
- **Describe the automated systems that store the sought information for each agency**
- **Identify supports and barriers to transmission**

Many of the tasks contained in these steps were accomplished while initially drafting the Memorandum of Understanding (MOU). While preparing to draft the MOU, Jefferson Parish stakeholders recognized the need for an attorney to be dedicated to the process. An attorney's legal writing ability and legal research skills are valuable assets. However, few attorneys were knowledgeable about the entire process of identifying laws and policies across multiple agencies. As a result, it was important to also include someone who had historical knowledge of the rationale behind developing an MOU for information sharing, knowledge of the agencies involved in the juvenile justice system, and knowledge of research performed on confidentiality laws.

In order to satisfy these prerequisites, stakeholders concluded that two

representatives would write the initial draft MOU – an Assistant Parish Attorney and the Chairman of the Information Sharing Work Group. The Assistant Parish Attorney was provided through a cooperative agreement between the Parish Attorney's Office and the Department of Juvenile Services using funds through the MacArthur Foundation's Models for Change initiative. The Chairman of the Information Sharing Work Group was provided by the Department of Juvenile Services. Both of these individuals possessed the legal and procedural knowledge to construct the MOU. This two-person approach was considered to be the best way to draft the MOU. Past experience in this jurisdiction showed that the more people involved in a complex task, the more difficult the task of focusing on the work product.

**Helpful Hint: *Few legal counselors can afford to invest the time and have complete knowledge of all laws impacting their agency. Every work group member should educate themselves on the laws and policies impacting information sharing.***

The two-person team met 2-3 hours weekly for six months. Using the template and sample MOU's contained in the *Models for Change Information Sharing Tool Kit*, an outline of the MOU provided the initial framework. Previous work by the Information Sharing Work Group filled in details to each section of the MOU. In the following paragraphs, construction of each section of the MOU is discussed to provide interested readers with insights and perspectives learned through the process. Our

vision, mission, background, and roles and responsibilities were added as separate sections apart from the sections recommended in the MfC template. These were considered to be essential elements to establish a foundation for developing the MOU.

Section I. Vision: This statement reflects a larger consideration of the interactive relationships between stakeholder agencies and the necessity to work together to improve service coordination. This statement was written to communicate to stakeholders principles that form the foundation of the agreement. It establishes an overarching philosophy that agencies should aspire to in order that the agreement be carried out completely. This statement answers the larger question, “Why should we do this?”

Section II. Mission: This section conveys the purpose of the memorandum by recognizing the limitations in sharing information between agencies. The statement establishes general guidelines for what the agreement will accomplish and how it will be accomplished.

Section III. Background: For the purpose of providing historical context, this section gives stakeholders and interested readers a background of the local collaborative, called the Children & Youth Planning Board, which undertook the information sharing initiative. The history of the board establishes a context for the initiative by describing key highlights in the development, obligations, and responsibilities of the board.

Section IV. Roles and Responsibilities: Limitations of the prior interagency agreement, the *Interagency Relationship Cooperative Agreement*, provided valuable lessons for articulating roles and responsibilities of

stakeholders. This initial document established general agreement among the parties to work collaboratively on behalf of children in the community. However, a notable shortcoming was the lack of specific roles and responsibilities of stakeholder agencies. In the development of the MOU, the Roles and Responsibilities section was expanded to include a range of specific responsibilities each stakeholder agency agreed to accomplish.

Four sets of roles and responsibilities were extracted from the prior interagency cooperative agreement. These were expanded to include specific action-oriented responsibilities. First, agencies were held responsible for ensuring the quality of the programs they provide through monitoring and evaluation. Second, agencies agreed to review their communication policies to improve communications with other agencies for the benefit of consumers. Third, agencies were responsible for assessing and identifying needs of consumers to improve the quality of service provision. Lastly, agencies agreed to share de-identified data for the purpose of improving the system through legal, program, and policy development.

Although the MOU does not include a timeline for accomplishing these responsibilities, it is noteworthy that the signatories agreed to pursue these obligations as part of their inclusion in the process.

Section V. Parties/Stakeholders: The list of stakeholders was derived largely from the list provided in the Models for Change *Information Sharing Tool Kit* MOU template. These stakeholders represent nearly every facet of the juvenile justice system. A key benefit of having the information sharing initiative under the umbrella of the Jefferson Parish Children & Youth Planning Board

is that most stakeholders were active participants in monthly meetings of the collaborative. Their involvement provided opportunities for updates on the status of the initiative, provided monthly reminders to keep agency counsel abreast of upcoming events, and increased accountability of agency representatives to the collaborative.

Stakeholders initially involved in the development of the MOU were as follows:

- Jefferson Parish Juvenile Court (including Truancy Assessment and Services Center, Informal Families in Need of Services, and Juvenile Drug Court).
- Jefferson Parish government (including the Department of Juvenile Services, Probation Department, and L. Robert Rivarde Detention Center).
- Jefferson Parish District Attorney's Office (including Juvenile Prosecution and the Juvenile Diversion Program).
- Jefferson Parish Human Services Authority (local mental health, addictive disorders, and developmental disorders provider).
- Jefferson Parish Sheriff's Office (includes the Juvenile Intake Center).
- Jefferson Parish School Board
- Louisiana Department of Children and Family Services (including Office of Community Services-Child Protection and Child Welfare).
- Louisiana Office of Juvenile Justice (includes state-level juvenile probation and parole and residential placements).
- Louisiana Public Defender Board

Each agency participated in the development of the final MOU. However, one agency did not sign the MOU - the Louisiana Public Defender

Board. Because the Board is comprised of contract public defenders in each jurisdiction, the agreement could not be signed by a single representative of the Board. Secondly, from a philosophical perspective the public defender board believed that sharing of information between agencies, such as assessments and admission of drug usage, might result in youths engaging in self-incrimination.

**Helpful Hint: *Language in the MOU is a combination of legal syntax, administrator policy statements, and everyday practitioner verbiage. Draft the MOU using language that is sensitive to the audiences who will read and use the document.***

Section VI. Legal Authority: Establishing legal authority for the MOU was essential to minimize legal challenges and highlight legal precedents. Although less of an interest for practitioners, this section cites state and federal legislation to provide legal context for the document for administrators and attorneys. This section also demonstrates consideration for each applicable piece of legislation contributing to the development of the MOU.

Section VII. Propositions: This section follows the example in the Models for Change Information Sharing Toolkit under the Purposes section. It serves as a preamble to the MOU to signify, among other things, that it is a legal document carrying with it the burden of responsibility by signatories. In addition, this section serves as a preliminary introduction of the document and summarizes its intent. This section



begins with broad statements regarding privacy and confidentiality and gradually focuses on agency responsibilities to maintain confidentiality and the proper use of information. Key elements include appropriate sharing of information, necessity for sharing information, protection against self-incrimination, assumption of confidentiality, and agencies' agreement to share under certain conditions. This section ends with an agreement by the signatories regarding permitted and prohibited sharing of information.

Section VIII. Limits of Disclosure: This section was added to the MOU template format to stipulate that by signing the agreement stakeholders were not in contravention with any laws. Also, this section explains that the agreement does not limit any of the privacy protections afforded youth and families by law. It stipulates that completed consent forms are necessary when required by state or federal laws and that, in a particular instance, the information will not be released even with a signed consent form. Finally, this section directs stakeholders to explore and utilize exceptions to privacy laws as appropriate. The last paragraph states that the custodian of juvenile records for the juvenile court is the Clerk of Court.

The following sections divert somewhat from the MOU template in that they are tailored to proceedings specific to the Louisiana Children's Code and Jefferson Parish. As such, the sections are divided into informal and formal proceedings. However, these sections follow the MOU template as closely as possible regarding the information needing to be included.

Section IX. Informal Proceedings: The MOU is intended to be as inclusive as possible regarding the scope of programs under the juvenile justice umbrella. Two programs designed as

alternatives to formal processing in the juvenile justice system are the Truancy Assessment and Services Center and Informal Families in Need of Services. Both programs target youth who are deemed to be at risk of future juvenile justice involvement with the ultimate goal of preventing youth from further penetration. Information sharing between the status offense system and the delinquency system can reduce duplicate services and enhance a true continuum of interventions. Inclusion of these programs in the MOU aims to improve coordination between informal and formal processes.

Sub-section A. Truancy Assessment and Service Center: Setting the format for each subsection that follows, this section details the legal statutes guiding the program, legal protections for the information generated by the program, any exceptions allowing information sharing, limitations to sharing information, and the process required to request information from the program. This section also mentions an existing MOU with the local school system and FERPA that enables information to be shared between these entities.

Sub-section B. Informal Families in Need of Services: Again, legal statutes for the program and legal references regarding confidentiality are foremost. In previous discussions regarding confidentiality of records generated in this program, a question was raised regarding the requirements for confidentiality since this program is not considered to be a part of the court process. However, in researching the Louisiana Children's Code, it was determined that confidentiality requirements apply to all processes contained in the Children's Code including handling of pre-petitioned status offenses. In order to clarify this question for future inquiries, the regulation text was added to the MOU.



A description of the program activities and information generated is also included.

Section X. Formal Proceedings: This section includes all formal proceedings; that is, any proceedings stemming from arrests for a delinquent offense or formal processing (petitioned) of a status offense.

Sub-section A. Intake/Initial Referral: Although the MOU template identifies specific content for these sections, the Jefferson Parish team added legal authority for the program/process to provide a reference for interested parties. This level of detail, while not required for the MOU, gives readers the opportunity to know the legal authority for the program/process.

Sub-section B. Formal Families in Need of Services: This subsection discusses legal authority for pre-dispositional investigations, review hearings, authority for releasing information from the court, and requirements for information collected by probation officers for formal (petitioned) status offenders.

Under the Louisiana Children's Code, the juvenile court may authorize release of information under certain circumstances, but the authorization must be written. The third paragraph contains a sentence that authorizes the release of arrest histories to probation officers. Through this MOU, legal authority for releasing arrest records has been given. To limit the information provided, only the information required by the probation department for the purpose of investigating and supervising the youth and family is authorized for release.

Sub-section C. Delinquency: This section begins with law enforcement's involvement at arrest and proceeds

through juvenile diversion, adjudication, disposition, post-disposition review hearings, coordination with the public school system, and planning for out-of-home placement. Once again, these sections closely follow the MOU template for content, but are tailored to the Jefferson Parish juvenile justice process.

The paragraphs involving law enforcement discuss the processing of arrest reports, the detention screening instrument, and the transmission of these records to the detention facility and probation officers.

Paragraphs regarding Juvenile Diversion also include a statement whereby the court authorizes release of information for the purpose of providing services to youth and families. This section enables the Juvenile Diversion staff to use the court database. Information sent by the diversion program to the District Attorney's Office and the limitations on the use of pre-trial information at adjudicatory hearings are also mentioned.

Paragraphs addressing adjudication include the adjudication hearing and the pre-dispositional report to the court. Of particular concern was the fact that information collected by the Juvenile Diversion program cannot be used in the adjudication hearing due to the possibility that the information could be used to further incriminate the youth. The MOU clearly specifies that this information shall not be used in an adjudication hearing. Also, a statute that allows hearings to be open to the public under certain circumstances is mentioned to give notice of a condition in which the adjudication hearing is not confidential.

Information required to be included in the pre-dispositional report and the agencies involved in collecting the

information are described to give readers the scope of information needed to develop dispositional plans for youth and families. Also included are the limits of releasing school information pursuant to FERPA. It was important to include the conditions for the exception in FERPA that allows school information to be released to the juvenile justice system *prior to adjudication*. School information for youth who have been adjudicated by the court, such as youth involved in the probation department, does not fit the conditions for this exception.

This section also discusses confidentiality of screening and assessment results, the purpose of collecting this information, and limitations of sharing with other agencies under specific conditions. A major concern raised by some stakeholders was the need to preserve confidentiality of this information to prevent potential self-incriminating statements from being used against youth. This section of the MOU reduces the likelihood of this occurring.

The paragraph on the disposition hearing highlights two important details. First, the pre-dispositional report to the court can be used as evidence during the disposition hearing. Second, the information generated by the hearing may be viewed by authorized agencies and parents.

Post-disposition review hearings are held periodically to ensure that youth and parents comply with the conditions of probation, to receive updates from probation officers, and to impose any additional orders on the youth or families. This section discusses the agencies required to report to the court, the information agencies are required to provide to the court, the procedure for filing reports, and the information included in the reports. Lastly, in the

absence of prior written limitations on sharing, the MOU establishes that releasing such reports to agencies not involved in the review hearing is not authorized.

The paragraph regarding service coordination with the Jefferson Parish Public School System was added to provide a pilot program that allowed the pre-dispositional reports to be released to four public schools. There was concern that the information contained in the report could potentially be used against the youth in school. In order to track this potential for misuse of the information, the court was willing to allow reports to be released to four schools. However, since drafting the MOU, the school system has been engaged in budget and administrative challenges. The pilot program is pending.

The last paragraph in this sub-section addresses placement planning. Jefferson Parish is somewhat unique in Louisiana because it employs a parish-based probation department. With the exception of four other parishes, probation services are provided across the state by the Louisiana Office of Juvenile Justice. Local policy dictates procedures for placing Jefferson Parish probationers in the custody of the state probation department for the purpose of residential placement. This process involves the exchange of information to facilitate residential placement in least restrictive and most beneficial facilities. This paragraph discusses the regulatory statute governing this process, the information shared, and the purposes of the information being shared.

Section XI. Issues That This MOU Does Not Cover: In order to clarify any misperceptions about the extent of the information sharing contained in the MOU, this section reiterates Section VIII

and establishes that the MOU does not contravene existing federal statutes.

Section XII. Administration of the MOU:

Following the MOU template, this section stipulates that the MOU is the responsibility of the local collaborative, the Jefferson Parish Children & Youth Planning Board. This section details the operation of the governing interagency management team, oversight and monitoring activities, conflict resolution, training activities, and committee membership. It also lists the agencies that are authorized to disclose information pursuant to the terms of the MOU and applicable federal and state laws.

Section XIII. Dispute Resolution

Process: A dispute resolution process was developed to fit into the framework of the existing Children & Youth Planning Board by creating an *ad hoc* Dispute Resolution Committee. The details of the dispute resolution process were drafted into the MOU and revised as needed by the legal representatives of signatory agencies. Timeframes were provided to facilitate resolution in a timely manner. Due to the detailed nature of this process, it was decided to omit the Grievance and Review Process suggested in the MOU template.

**Helpful Hint: Agency attorneys are willing partners, but their responsibility to protect their agency is paramount. Assure them the MOU process is not going to override privacy laws and create liability for their agencies.**

Section XIV. Duration of the MOU: This section basically follows the guidance provided in the MOU template. The

most appropriate starting point was determined to be the date of the last signature. The MOU would be effective for one year from that date. It was decided to allow for extension of the MOU's duration to facilitate continuity and sustainability of the terms of the agreement. In the absence of any procedural or practical obstacles created by the MOU, the MOU could be extended by a 2/3<sup>rd</sup> vote of the appointed members of the Children & Youth Planning Board. Also, an opt-out clause was added to this section in the event that any signatory wished to decline participation in the terms of the MOU after the initial signing or extension.

As of March 2013, the MOU was in the process of being renewed with all signatory agency attorneys agreeing to the MOU. Interestingly, there were only two minor revisions to the original MOU. One was an agency name change. The other was the addition of a statement on the consent form informing parents/guardians of sharing information for reimbursement purposes.

Section XV. Signatories: This section contains signatures and dates for authorized representatives of each stakeholder agency. The second sentence attests that the attorneys for each signatory agency has reviewed and approved the MOU. While this may not be necessary to include, it serves to memorialize the involvement of legal representatives in the development, review, and implementation of this MOU.

Attachment: The final piece of the MOU is the combined consent form. Using the previously created *Release of Information Report*, a combined consent form was created that complies with HIPAA, FERPA, and 42 CFR. This form was created by comparing consent forms from each stakeholder agency

with requirements for releasing information contained in federal statutes. The resultant form met approval by each stakeholder agency's legal counsel.

The work plan outline included several steps that were performed throughout the process of developing the MOU. For example, Step Four of the work plan included the development of proposed law and policy to protect the privacy of information. A few proposed law revisions surfaced throughout the process of identifying statutory guidance on confidentiality and exceptions. The MOU does contain specific policies to which stakeholders agree to adhere.

In addition, there are steps that are pending further development, such as developing a registry of requests, transmissions, and receipts of information. Jefferson Parish is currently awaiting the arrival of a unified case management system, which would be ideal for logging exchanges of information with other agencies. The MOU also does not establish procedures for handling complaints for improper disclosure or use of confidential information. Lastly, a review of data systems has been conducted previously through the Jefferson Parish Children & Youth Planning Board. A more comprehensive, inter-agency case management system is currently under construction. Once the system is fully implemented, a review of the MOU will be conducted to determine the compatibility of the MOU to the software.

**Step Six: Develop protocols for the operation of the information sharing agreement.**

- **Identify staff in participating agencies to be trained on the operation of the information sharing agreement**

- **Set up a conflict resolution mechanism to which participating agencies can submit questions about the operation of the agreement**

Training occurred throughout the process. Many meetings with the Information Sharing Work Group and individual stakeholder representatives were held as informative discussions regarding the philosophy, intent, and benefits of developing a multi-agency MOU. As a final step after execution of the MOU, the Interagency Operations and Training Committee developed a series of presentations regarding the intent and implementation of the MOU. The training consisted of a general overview and agency-specific training on particular sections of the MOU. Trainings also included the proper use and execution of the combined consent form.

The item in this step that indicates the need for a conflict resolution mechanism was addressed in the Dispute Resolution section of the MOU (Section XIV), whereby agencies seeking dispute resolution present their dispute to the Interagency Operations and Training Committee of the Children & Youth Planning Board.

**Step Seven: Seek approval of the information sharing agreement by all participating agencies and their legal counsels.**

Upon completion of the draft MOU, copies of the draft were sent to attorneys for each stakeholder agency to review and comment. Individual meetings were scheduled to enable face-to-face communication regarding the MOU. Feedback was provided by each attorney and their revisions were included in the final draft. This process took place over several months due to scheduling difficulties and staff turnover.

The keys to success were persistence and keeping representative stakeholders aware of the process at legal and administrative levels. The final draft of the MOU was sent electronically to each attorney for final review with a deadline for comments. Once the deadline passed, the MOU was processed for signatures.

In Jefferson Parish, the signature process began with the authorized parish official, the Parish Council Chairman, upon authorization of the council by resolution. After the document was signed by the Council Chairman, it was forwarded by the Parish Clerk to the other signatory agencies. Again, persistence was important at this stage. Several delays occurred in the signature process that required follow-up phone calls and e-mails.

## Pitfalls

Many jurisdictions undertaking the development of an information sharing agreement will surely become bogged down in the multitude of details and diversions that information sharing projects can reveal. The goal of this section is to identify some of the most prevalent stumbling blocks that slowed down and, in some instances, may have halted progress at several junctures in the process used in Jefferson Parish.

**Time Commitment:** As is the case for many jurisdictions actively engaged in improving their juvenile justice systems, there is frequently too little time. Whether caused by too few personnel resources or from too many large projects, it is essential to dedicate time to advancing reform initiatives. Developing an information sharing agreement requires a significant investment of time devoted to researching, organizing, constructing, and administering the MOU.

For this project, stakeholders of Jefferson Parish placed a priority on developing a MOU for information sharing and devoted more time to ensuring the MOU was written properly. In addition, the project was spread over several months to allow for the completion of other reform projects along with day-to-day responsibilities.

**Commitment of Personnel:** Once stakeholders in a jurisdiction agree to develop an information sharing agreement, it is necessary to provide adequate personnel resources to the project. Personnel resources should include knowledgeable representatives from each stakeholder agency that can discuss their agency's processes and procedures. They should also have the ability to communicate the status of the project to the agency and to contribute meaningfully to the development of the MOU. It would be ideal for representatives to have expertise in researching legal and procedural background information, writing legal documents, understanding local juvenile justice processes, and ability to communicate with stakeholder attorneys and policy makers. Short of having ideal capacities, jurisdictions would do well to develop these skill sets using existing publications and local or national technical assistance (See Appendix C - Resources).

In Jefferson Parish, the development of the MOU was initially believed to be incumbent on agency attorneys. However, as discussions between these representatives continued, interest dwindled due to more emergent agency needs. Using resources provided by the MacArthur Foundation's Models for Change initiative, the Jefferson Parish Children & Youth Planning Board devoted the financial and personnel resources to completing the project. Models for Change provided training

opportunities and technical assistance through the National Resource Bank. The CYPB provided knowledgeable local agency personnel.

**Agency Counsel Protecting Agency Interests/Liability:** It is important for those in disciplines other than jurisprudence to understand the roles of agency legal counsel. Among other responsibilities, agency attorneys must protect the interests and liability of the agency they represent. As such, they are often reluctant to agree to anything that would potentially place their agency at risk for liability or harm. Understanding this role gives non-legal stakeholders a view into the decisions agency attorneys make and their reluctance to engage in an information sharing project without knowing how their agency will be protected. To improve the likelihood of engaging agency attorneys and successfully completing an information sharing MOU, stakeholders should be prepared to inform legal representatives about the intent, benefits, and possible disadvantages of endorsing an MOU. Initial experiences of the Jefferson Parish stakeholders when developing a revised consent form highlighted the need to discuss the MOU initiative with agency counsel throughout the process to allow ample opportunity for questions to be raised and answered appropriately.

**Organizing Tasks:** A review of the Models for Change *Information Sharing Tool Kit* will demonstrate how intensive the MOU development can become. Beginning with cataloging applicable statutes and ending with training front line staff on the use of the MOU, there are many tasks required in the process of developing an MOU for information sharing. It is essential to follow the steps described in the *Information Sharing Tool Kit* and organize the information required for each step to

facilitate understanding of and access to the information. The extent of resources required to develop a comprehensive MOU dictates the level of organization required. Written materials, such as criminal and procedural statutes, sample MOU's, and flow charts, should be easily accessible through electronic or paper copies. Meetings with stakeholders, technical experts, and administrators of organizations should be memorialized in writing to facilitate recall of important decisions and facts discussed.

**Persistence:** Undertaking the development of a MOU for information sharing requires a high degree of persistence. The magnitude of information and the number of personal contacts required can hinder progress. Committee members may lose interest and focus over time. More pressing tasks will arise. In spite of these diversions and barriers, jurisdictions should remain focused on completing the MOU. A key task of the local juvenile justice collaborative is ensuring the task is completed. The most substantial driver of the Jefferson Parish MOU process was the Children & Youth Planning Board. Each month an update of the MOU progress was given and agencies were reminded and, in some cases, prodded to actively engage in the process.

### **Dealing with Dissenting Stakeholders:**

Involving all juvenile justice stakeholders in the development of an MOU for information sharing was intended from the beginning of the Jefferson Parish process. It was a goal to include as many stakeholders as possible to ensure the broadest scope of the agreement. While each agency provided valuable contributions to the information needed to develop the MOU, all but one agency signed the MOU. This agency agreed with the need to coordinate services and

decrease duplicative efforts; however, there was a fundamental disagreement about risks of information sharing. It was important for the Jefferson Parish stakeholders to understand the perspectives of dissenting stakeholders and to move forward with the MOU.

Dissent was also expressed initially by some stakeholder attorneys. It is understandable that legal challenges regarding liability would arise. After discussing how the MOU would balance protecting privacy and fostering communication within the scope of laws, agency attorneys were willing to participate in the MOU process.

**Locating Resources:** Over the past decade, juvenile justice information sharing has significantly gained momentum. Jurisdictions interested in pursuing resources to aid in their information sharing projects have access to numerous publications and websites. Several of these are listed in Appendix C. In addition, there are many training opportunities available for jurisdictions that desire a hands-on approach to information-sharing.

## Conclusion

The process of developing a Memorandum of Understanding for Juvenile Justice Information Sharing can be a daunting task for any jurisdiction. The complexities of organizing information, legal statutes, policies, creating and sustaining a collaborative of stakeholders, and filling in the informational gaps to draft the MOU are tasks that can become hindrances to completing the MOU.

However, it is important for jurisdictions to remember that privacy of the families and youth served is paramount. Throughout the juvenile justice system, information is often exchanged without consent, permission, or authority and

other times information is not exchanged at all when it was legally permissible to share. The burden created by these acts include youth engaging in self-incrimination, personal information released unnecessarily, fragmentation of services, duplication of financial and personnel resources, and failure of systems to provide families and youth with the protection and coordinated services required to improve their lives. It is incumbent on jurisdictions to engage in the informative process required to develop a MOU to improve our abilities to impact youth and families, to conserve financial resources, and to build collaborative relationships.



## References

Jefferson Parish Children & Youth Planning Board

Website: <http://cypb.jpjc.org/>

- Combined Consent Form
- Practitioner's Guide
- Excel Spreadsheet



Jefferson Parish Children & Youth Planning Board (2009). Practitioner's Guide to Confidentiality. Interagency Coordination and Training Committee, Information Sharing Work Group report. Retrieved 6/20/11 at the Jefferson Parish Children & Youth Planning Board website: <http://cypb.jpjc.org/Publications.aspx>.

Ryals, J.S., & Villio, M. (2007). Release of Information Report. Jefferson Parish Children & Youth Planning Board Interagency Operations Committee report. Jefferson Parish, Louisiana.

Models for Change Information Sharing Toolkit located at: <http://modelsforchange.net/publications/282>

# Appendix A

## MacArthur MfC Work Plan Outline for Information Sharing Work Group

- I. Identify all agencies to be involved in this effort and share with each of them the work plan for developing an information sharing agreement
- II. Working with a small group of agency representatives, identify all key decision points that may require the sharing of information and map out the proposed flow
  - specify exactly what information is to be disclosed by each agency, to which agency the disclosure will be made, and at what point in the juvenile court process the information will be shared
  - state the need or purpose for sharing information at each of the points
  - describe how the information will be used
- III. Identify what laws and policies govern the sharing of information at each decision point
  - utilize a matrix to organize laws and policies across agencies to pinpoint the circumstances under which the information mapped in Step II above may and may not be shared
  - identify any existing memoranda of understanding or policies that govern information sharing across agencies
  - identify any needed law and policy development for information sharing
  - identify any changes in practice to be implemented to ensure compliance with governing laws regarding disclosure of information
- IV. Develop the protections for the information that is to be shared
  - identify who will have access to the information
  - specify how the information may and may not be used by its recipients
  - specify the circumstances under which a recipient may further disseminate information received through the operation of the agreement, including for what purposes further disclosure will be permitted
  - identify how the subject of the information will be protected during its use and after its use
  - develop proposed law and policy to protect the subject of the information from its misuse
  - develop a registry or system for recording requests, transmissions, and receipts of information
  - develop a protocol for the handling of complaints of improper disclosure or use of information subject to the agreement
- V. Identify the information sharing mechanisms that currently exist
  - identify existing procedures, roles, and responsibilities
  - describe the automated systems that store the sought information for each agency
  - identify supports and barriers to transmission
- VI. Develop protocols for the operation of the information sharing agreement
  - identify staff in participating agencies to be trained on the operation of the information sharing agreement
  - set up a conflict resolution mechanism to which participating agencies can submit questions about the operation of the agreement
- VII. Seek approval of the information sharing agreement by all participating agencies and their legal counsels

# Appendix B

**JEFFERSON PARISH**  
**CHILDREN & YOUTH PLANNING BOARD**  
**MEMORANDUM OF UNDERSTANDING**  
**FOR**  
**JUVENILE JUSTICE INFORMATION SHARING**

## **I. VISION**

The MOU will cultivate a collaborative culture that embodies trust, shared ownership, mutual respect, direct and open communication, and responsiveness to the varied organizational and cultural perspectives represented, so that multiple stakeholders may make a formal long-term commitment to sharing resources and information to accomplish their vision by problem solving, negotiation and willingness to compromise and commit to developing and implementing juvenile information sharing.

## **II. MISSION**

Review of the various agencies that serve the juvenile population in Jefferson Parish has revealed systemic limitations in the ability to disclose information that, if rectified, could ultimately benefit the juveniles in the juvenile and/or criminal justice system. The purpose of this memorandum is to establish a cooperative relationship between stakeholder agencies and to formally authorize the transmittal of confidential individual information in compliance with applicable state and federal laws to streamline the juvenile's passage through the system. The parties further acknowledge and agree that the guidelines contained herein are intended to establish uniformity in the handling of the case and to assure that each case is addressed on a case-by-case basis to promote a response proportional to the various and differing factors affecting each case.

## **III. BACKGROUND**

The Juvenile Justice Reform Act of 2003 (Act No. 1225) established the Juvenile Justice Reform Act Implementation Commission (LSA RS 46:2751 et seq.), created the Children's Cabinet (LSA RS 46:2601 et seq.), and ultimately codified the concept of an Information Sharing Agreement among agencies involved in the Juvenile Justice System (Ch.C. 541 et seq.). By Jefferson Parish Ordinance No. 22308, (2004) the Jefferson Parish Children & Youth Planning Board was established.

Member agencies of the Jefferson Parish Children & Youth Planning Board executed an Interagency Relationship Cooperative Endeavor Agreement pledging to work collaboratively and cooperatively among themselves and with others in the community to serve the multi-faceted needs of the children of Jefferson Parish and their families. Three goals identified by the agreement were creating an atmosphere of support and understanding for the needs of children and families, enhancing communication between signatory agencies, and ensuring that services provided by the signatories are of the highest quality and meet the needs of children and families.

The purpose of the Jefferson Parish Children & Youth Planning Board is to participate in the formulation of and to preparation of a comprehensive plan for services and programs for children and youth in Jefferson Parish. Tasks include: assisting in the development, implementation, and operation of services to encourage positive development for all youth, diversion of youth from the juvenile justice and foster care systems, reducing incarceration of youth, and provide community responses to juvenile delinquency. The coordination and implementation of services shall include, but are not limited to, prevention, early intervention, diversion, alternatives to home displacement, alternatives to incarceration, and treatment services.

The Board endeavors to assess, align, coordinate, prioritize, and measure all services and programs that address the needs of youth and families who are at-risk for, or identified with, social, emotional, developmental problems, educational failure, abuse, neglect, exposure to violence, mental illness, substance abuse, poverty, developmental disabilities or delinquency. The Board encourages collaborative efforts among local stakeholders for assessing the physical, social, behavioral, and educational needs of youth in their respective communities and for assisting in the development of comprehensive plans to address such needs. The Board shall perform all services authorized by

(Rev. 7/20/10)

Jefferson Parish Code of Ordinances (Sec. 2-708.6 Purposes and Function of Board, Ordinance No. 22308, Creation of the Jefferson Parish Children & Youth Planning Board).

#### IV. ROLES AND RESPONSIBILITIES

The signatory agencies pledge to meet these obligations to the best of our ability through the services and actions we provide, and the agencies and individuals with whom we contract to provide social services by:

(1) Actively participate in the delivery, monitoring and evaluation of the programs working in conjunction with each and every contractor used by our agencies to ensure the delivery of high quality services to meet the goals of this agreement.

(2) Reviewing communication policies and practices with and among the other parties to this agreement and others serving the children and their families, enhancing and improving the communication plans and methods to the best degree feasible.

(3) Collecting and maintaining data and, when feasible, assisting all parties in the delivery of the services and assisting in the overall identification of needs and problems of the children and their families, allowing for the ongoing adjustment of programs and services so that they may better serve children and their families.

(4) Sharing de-identified aggregate agency data for the purposes of law, policy, and program development, and program evaluation and performance measurement to ensure continuous quality improvement within locally developed juvenile justice collaborative efforts and among state-level stakeholders and policy-makers.

This Memorandum of Understanding is the next step in the process.

#### V. PARTIES/STAKEHOLDERS

The following parties are signatories to this Memorandum of Understanding:

Jefferson Parish Juvenile Court  
Truancy Assessment and Service Center  
Informal Families in Need of Services  
Juvenile Drug Court  
Parish of Jefferson  
Department of Juvenile Services  
Probation Department  
L. Robert Rivarde Detention Center  
Jefferson Parish District Attorney's Office  
Juvenile Diversion Program  
Juvenile Division-Prosecution  
Jefferson Parish Human Services Authority  
Jefferson Parish Sheriff's Office  
Jefferson Parish School Board (aka the Jefferson Parish Public School System)  
Louisiana Department of Children and Family Services-Office of Community Services  
Louisiana Office of Juvenile Justice

#### VI. LEGAL AUTHORITY

The legal authority is La. Const. Art. VII Sec. 14C.

The parties enter this agreement pursuant to authority granted in the Louisiana Children's Code, Article 541. The sharing of records pursuant to this agreement will be made in accordance with all applicable federal and state laws, including the following: Louisiana Criminal Code, Louisiana Children's Code, the Louisiana Revised Statutes, and the Louisiana Code of Evidence, Health Insurance Portability and Accountability Act of 1996 (HIPAA) 45 CFR sec. 160.101 and 65 F. Reg. 82462 et seq., Family Educational Rights and Privacy Act (FERPA) 34 CFR Sec. 99.1 et seq.,



Miscellaneous Provisions Relating to Substance Abuse and Mental Health (42 USC, 290dd-2 et seq. (CFR Part 2), Substance Abuse and Mental Health Services Administration (SAMHSA) 42 USC sec. 290AA, and Child Abuse Prevention and Treatment Act (CAPTA) 42 USC Sec. 5101 et seq. and 42 USC Sec. 5116 et seq.

**VII. PROPOSITIONS**

WHEREAS, the privacy and confidentiality of information regarding a youth in the juvenile justice system is an important legal and ethical principle; and

WHEREAS, appropriate sharing of information can improve decision-making and care involving the youth; and

WHEREAS, the parties agree that information should be shared only when it presumptively will be to the youth's benefit; and

WHEREAS, the parties agree that information identifying the youth should be shared only to the degree it is necessary for the recipient of the information to perform his or her role; and

WHEREAS, youth who are charged with committing delinquent acts or who are charged with status offenses are guaranteed the rights against self-incrimination and to counsel pursuant to the Fifth and Sixth Amendments of the United States Constitution and our state constitution; and

WHEREAS, the general rule of law as to disclosure of youth-serving agency records is that they are closed to both public dissemination and interagency sharing unless statutory exceptions apply; and

WHEREAS, the parties agree that the information to be disclosed by each participating agency is based on legal authority and/or an informed consent to release information by the youth and/or the youth's parent of legal guardian; and

WHEREAS, the participating agencies agree that they will not, without good cause, refuse to disclose the information necessary to achieve the purposes of this MOU; and

WHEREAS, all records/reports are considered confidential and shall not be released unless otherwise allowed by this MOU, state or federal law:

NOW, THEREFORE, the parties agree that this Memorandum of Understanding reflects their understanding and agreement as to the permitted and prohibited sharing and uses of information in the juvenile justice process.

**VIII. LIMITS OF DISCLOSURE**

This Agreement does not supersede state or federal privacy laws or relinquish youths' and families' rights to privacy. Whenever possible, agencies are encouraged to obtain proper permission for releasing protected information through properly executed consent to release forms. However, the Office of Community Services' records are not subject to waiver and shall not be released, except in accordance with state and federal law. If consent forms are not able to be executed or the release is for the Office of Community Services' records, agencies must determine if the request for information falls into one of the state or federal exceptions. For example, but not limited to, Louisiana Children's Code Article 544(A) regarding juvenile justice, La. R.S. 46:56(F)(4) regarding Office of Community Services, 42 CFR Part 2 §2.35 for substance abuse programs, 34 CFR 99 (FERPA) §99.31 for educational institutions, and 45 CFR 164.512(a) (HIPAA) for covered entities. Further information sharing is limited to case-specific information on a need to know basis for professionals who provide services to a child or family (Ch.C. 412(D)).

Records submitted to Juvenile Court are maintained by the Clerk of Court. Records concerning juvenile criminal proceedings are confidential and are destroyed by the Clerk of Court after the case has been inactive for 10 years pursuant to Ch.C. 415.

**IX. INFORMAL PROCEEDINGS****A. Truancy Assessment and Service Center (TASC):**

Referrals to TASC are generated by the Jefferson Parish Public School System (JPPSS) or community members pursuant to Ch.C. Art. 731. Services provided by multi-agency TASC centers are enumerated in Ch.C. 791.2. Referrals are received and screened by TASC intake officers. Informal Family Services Plan Agreements are developed using information from interviews with teachers and family members and information from Infinite Campus, the student information database for JPPSS. Information contained in Infinite Campus is protected under Federal Educational Rights to Privacy Act ([FERPA], 34 CFR 99). TASC Intake Officers are authorized to access Infinite Campus via an existing Memorandum of Understanding and 34 CFR 99 §99.31(a)(1). Further, TASC Intake Officers are authorized to access Infinite Campus at referring schools for more detailed information on referred youth only to develop Informal Family Service Plan Agreements. Information obtained from Infinite Campus shall not be released to third parties. TASC case files are to be maintained for a seven year period from the date of termination, and then destroyed.

Requests for information from TASC are predominantly from Informal Families in Need of Services (FINS) intake officers to conduct an investigation pursuant to Ch.C. 732. Information requested includes progress and compliance reports, and services obtained by the youth and family for the purpose of developing an Informal Family Service Plan Agreement. This information is prohibited from being re-released to third parties.

**B. Informal Families in Need of Services (FINS):**

According to Ch.C. Art. 727 under Title VII (Families in Need of Services), all provision of the Children's Code remain applicable under Title VII unless otherwise specified in that Title. Title VII does not show any exemptions of Ch.C Art. 412 (Confidentiality) from Title VII proceedings. Ch.C. Art. 412 encompasses all matters or proceedings before the Juvenile Court. According to Ch.C. Art. 116, Sub-part (11), "juvenile proceeding" or "juvenile case" is defined as a proceeding or case in which the Court is exercising juvenile jurisdiction. Juvenile Court has jurisdiction over families in need of services under Title VII of the children's Code (Ch.C. Art. 729).

Informal Family Services Plan conferences are held by intake officers pursuant to Ch. C. Art. 732. The intake officer convenes a conference with all agencies able to provide services for the family. An Informal Family Services Plan Agreement (IFSPA) is created pursuant to Ch.C. Art 744. Mental health, substance abuse, and/or risk/needs screening and assessment tools contribute to the development of the IFSPA. Information collected through the screening/assessment process is part of the IFSPA and follow the same rules of confidentiality. Evidence of the existence of the agreement shall not be used against the child, caretaker, or other family member over objection in an adjudication hearing or criminal trial. Such evidence may, however, be used in a disposition hearing in the juvenile court or for the purpose of a pre-sentence investigation after a criminal conviction.

Information stating unsatisfactory completion of Informal FINS is forwarded to the District Attorney's Office for formal handling of the FINS referral (Ch.C. 746) and also to the Jefferson Parish Public School System.

**X. FORMAL PROCEEDINGS****A. Intake/Initial Referral**

Louisiana Children's Code Article 412(A) establishes confidentiality for all proceedings before juvenile court. This confidentiality is extended to Informal Families in Need of Services, Truancy Assessment and Service Centers, Diversion, Informal Adjustment Agreements, and any other program under the Louisiana Children's Code pursuant to Ch.C. Arts. 727 and 802. Formal proceedings, including formal (petitioned) FINS and delinquency proceedings, are included under this Article. Louisiana R.S. 15:574.12 establishes confidentiality of information related to youth in the custody of the Louisiana Office of Juvenile Justice.

**B. Formal Families in Need of Services**

Pursuant to Ch.C. Articles 746, et seq., referrals to formal proceedings for Families in Need of Services (FINS) are generated by the District Attorney's Office. Information contained in the petitions is required by Ch.C. Art. 749. A



similar judicial process is utilized for delinquent petitions. Therefore, information shared in this process is enumerated in sub-section C.

According to Ch.C. 768, evidence and witnesses for FINS adjudication hearings shall be conducted according to the rules of evidence applicable to civil proceedings.

For the purpose of conducting pre-dispositional investigations for adjudicated FINS cases pursuant to Ch. C Arts. 773 and 744(B)(1), release of arrest histories to investigating probation officers is authorized by the court. Records included are "rap sheets", AARMS, MOTION, and NCIC reports.

Requirements for information contained in the pre-dispositional report for FINS petitions are stated according to Ch.C. 744. Information obtained for the purpose of the pre-dispositional report includes identification of the conduct of the child, caretaker, or any family member which is causing serious harm to the child and the services needed by that individual to mitigate or eliminate the problems with the family unit.

This information is obtained through a semi-structured interview performed by the probation officer with the guardian, youth, and representatives of any agency having responsibility for providing services. Such agencies include Jefferson Parish Human Services Authority, Department of Children and Family Services-Office of Community Services; Jefferson Parish Public School System; Jefferson Parish Juvenile Assessment Center; Jefferson Parish Sheriff's Office and/or municipal law enforcement agencies; District Attorney's Juvenile Diversion Program, if applicable; and, Jefferson Parish Juvenile Court – Informal FINS program. Information is provided to the investigating probation officer for the purpose of pre-dispositional investigation.

Pre-dispositional investigation reports are to be provided to the court for FINS cases (Ch.C. Art. 775(D)), the District Attorney, and the Public Defender's Office.

Pursuant to Ch.C. Art. 779, the pre-dispositional report shall be used as evidence in disposition hearings. According to Ch. C. 779, any case in which the family has been adjudicated to be in need of services, the court may order any public institution or agency and its representatives to provide any services specified in its order as necessary to improve the family relationships or reunite the family in the best interests of the child, provided that such services are available within the agency or institution and report at least once every six months in writing concerning the progress of the family in receiving and accepting the services ordered.

Pursuant to Ch.C. Art. 782, the court shall enter into the record a written judgment of disposition and copies of the judgment of disposition shall be furnished to all parties.

Under Title VII, Chapter 13 Case Review Procedure; Reports; Review Hearings (FINS), there are currently no provisions for formal FINS review hearings. However, review hearings for adjudicated Families in Need of Services cases may be conducted as needed as authorized by the court. Such cases are supervised by the Jefferson Parish Department of Juvenile Services or the Louisiana Office of Community Services as assigned at the dispositional hearing.

### C. Delinquency

#### (1) Law Enforcement

Pursuant to the La. Children's Code, law enforcement officers can conduct investigations on alleged delinquent activities. The Juvenile Intake Center is the primary entry point for juvenile arrests. Juvenile Arrest Reports (JARs) are processed by the Juvenile Intake Center for all youth arrests and subsequently submitted to the District Attorney's Office and an officer designated by the court pursuant to Ch.C. Art. 814(E).

In accordance with Ch.C. 814(E), the court hereby authorizes transmittal of the JAR to the L. Robert Rivarde Detention Home Manager, or his/her designee, and probation officers assigned to supervise or perform an investigation (Ch.C. 890(A)(1)). For the purpose of conducting pre-dispositional investigations pursuant to Ch. C Art. 890(A)(1), release of arrest histories to investigating probation officers is authorized by the court. Records included are "rap sheets", ARMMS, MOTION, and NCIC reports.



The Detention Assessment Instrument (DAI) is a valid and reliable tool for determining youths' appropriateness for detention. It is completed by Juvenile Intake Center staff for the purpose of detention population management. The DAI is provided only to the L. Robert Rivarde Detention Center intake staff for all detained youth, to the Juvenile Court, or an officer designated by the court to receive the report, and a copy is provided to the Department of Juvenile Services Assistant Director, or his/her designee, for data-collection purposes.

Any information obtained from law enforcement by any agency shall not be re-disclosed to a third party.

(2) Diversion

According to Ch.C. Art. 839, the District Attorney may authorize an informal adjustment agreement prior to filing a petition. In Jefferson Parish, this process occurs by the District Attorney referring charges to the Juvenile Diversion Program, which is administered by the District Attorney's Office. In order to perform duties necessary to divert youth from formal processing, the court hereby authorizes the District Attorney's Juvenile Diversion Program to access the court case management computer system and the arrest history database pursuant to Ch.C. Art. 412(D)(6). This information is utilized only to obtain juvenile referral histories for eligibility and service provision purposes.

Information collected from youth, such as school records, assessment information, or other relevant information, is confidential under Ch.C. Art. 412(A). Re-release of this information to third parties is not authorized. Termination letters noting the reason for termination may be forwarded to prosecution for further case handling.

In accordance with Ch.C. Art. 841(A), evidence of an informal adjustment agreement shall not be used against the child in an adjudication hearing. Further, Ch.C. Art. 841(A) authorizes statements made during the course of pre-petition, diversionary counseling to be utilized in pre-sentence investigations after a criminal conviction. As such, diversion staff may release to probation officers conducting pre-sentencing investigations information relevant to case planning and disposition.

(3) Adjudication

a. Adjudicatory hearing

According to Ch.C. Art. 881, evidence for delinquency adjudication hearings shall be conducted according to the Code of Evidence applicable to criminal proceedings. Prosecutors and public defenders may present witnesses and physical evidence at the adjudication hearing. However, evidence of an Informal Adjustment Agreement shall not be used in an adjudication hearing. Ch.C. Art. 879(B) allows adjudication hearings to be open to the public when the case involves a crime of violence as defined in RS 14:2(13) or a delinquent act which is a second or subsequent felony-grade adjudication.

b. Pre-Disposition Report to the Court

A pre-disposition investigation is ordered by the Court to be performed by Department of Juvenile Services and, where applicable, Louisiana Office of Juvenile Justice probation officers pursuant to Ch.C. Arts. 773 and 888(B). Requirements for information collected for the pre-dispositional report for adjudicated delinquents are set forth in Ch.C. Art. 890 and are as follows:

- (1) The circumstances attending the commission of the offense; the attitudes of the child and his parents toward the offense, the prior offenses committed by the child, including other referrals or contacts not resulting in juvenile court petitions; and, when applicable, the disposition of companion cases arising out of this offense.
- (2) The impact of the victim, if a child is adjudicated of or admits to a delinquent act involving a victim. The court shall require that a victim impact statement be included in the predisposition report. The victim impact statement shall include factual information as to whether the victim or his family has suffered, as a result of the offense, any monetary loss, medical expense, or physical impairment, and shall include any other information deemed relevant. The District Attorney may also file a victim impact statement with the court.
- (3) The child's home environment and dynamics, stability, economic status, participation in community or religious activities, and any physical, mental, or emotional handicaps, substance abuse, or criminal history of any of its members.

(4) The child's current physical description, developmental and medical history, social adjustment in the community, school record, including the name and address of the school where the child is registered and enrolled, employment or vocational interest, significant behavior patterns, or other personality traits relevant to his rehabilitation.

This information is obtained through a semi-structured interview performed by the probation officer with the guardian, youth, and representatives from any agency providing services for the youth or family. Such agencies include Jefferson Parish Human Services Authority, Jefferson Parish Juvenile Court; Department of Children and Family Services-Office of Community Services; Jefferson Parish Public School System; Jefferson Parish Sheriff's Office and/or municipal law enforcement agencies; District Attorney's Juvenile Diversion Program, if applicable; and, Jefferson Parish Juvenile Court – Informal FTNS program. Information is provided to the investigating probation officer for the purpose of pre-dispositional investigation.

In accordance with the Family Educational Rights to Privacy Act ([FERPA], 20 USC §1232g(b)(1), 34 CFR 99.38) the Jefferson Parish Public School System will allow access to Infinite Campus, the electronic student data program, by juvenile justice individuals designated in writing to access school records. Access to Infinite Campus by the juvenile justice system is solely for the purpose of coordinating services for youth. This information shall be accessed prior adjudication, as allowed by FERPA §99.38. Access to educational records after adjudication requires written consent from the student and parent/guardian. Upon receiving approval to access Infinite Campus, designated individuals will certify in writing to the school system that the information will not be redisclosed to third parties.

Information collected by probation officers conducting the pre-dispositional investigation includes the Massachusetts Youth Screening Inventory (MAYSI), Structured Assessment of Violence Risk in Youth (SAVRY), and, when applicable, psychological and/or psychiatric evaluations. These screening and assessment instruments are collected for the purpose of identifying needs of the youth and their families. Data collected for the purpose of scoring these instruments shall not be disclosed. Summaries and conclusions shall only be disclosed to the Jefferson Parish Juvenile Court, the Louisiana Office of Juvenile Justice (according to R.S. 15:840.1), or any agency identified as providing services for the youth or family.

Pursuant to Ch. C. Arts. 775(D) and 412(D)(10), copies of the pre-dispositional reports are provided to agencies responsible for providing rehabilitative services identified in the pre-dispositional investigation after the disposition hearing. Such copies are to be used solely in case planning and coordination and shall not be disclosed to any third party. In addition, pre-dispositional reports are to be provided to the district attorney and counsel for the child for delinquency cases (Ch.C. Art. 891(A)). Disclosures of the pre-dispositional report to any agency or individual not identified as having responsibility for providing services is prohibited.

#### (4) Disposition Hearing

Pursuant to Ch.C. Art 893(B), the pre-dispositional report shall be used as evidence in disposition hearings. Pursuant to Ch.C. Art. 903(B) the judgment of disposition shall be entered into the record a written judgment. Any agency authorized to view the Court records have access to the disposition. Further, upon request, a copy of the judgment of disposition shall be furnished to the parent.

#### (5) Post-disposition Review Hearings

Review hearings are conducted for adjudicated delinquency cases supervised by the Jefferson Parish Department of Juvenile Services, the Louisiana Office of Juvenile Justice, or the Louisiana Office of Community Services assigned at the dispositional hearing.

For youth adjudicated as delinquent, Ch.C. Art. 905 states that any institution or agency to which a child is assigned, upon request, shall provide the court with any information concerning the condition, supervision, treatment, or rehabilitation program of the child. Further, any institution, agency, or person to which a child is assigned shall, not less than every six months, report in writing the whereabouts and condition of the child to the judge who rendered the judgment of disposition. Information required at review hearings for youth under supervision of the Office of Community Services are allowed under R.S. 46:56.

Information provided by these agencies includes probation reports, treatment progress reports, school reports, and assessment results. Recommendations for continued actions are also made by agencies assigned at disposition.



Reports are prepared and submitted to the Court in two ways. First, reports submitted in advance of the review hearing are submitted to the Clerk of Court for entry into the Court Record. Second, reports submitted at the time of the Review Hearing are submitted to either the presiding judge or Court Probation Officer. Reports are disseminated to both the prosecution and defense counsel.

Reports provided to the Court for review hearings should contain information regarding compliance to conditions of probation/supervision, including school attendance, behavior, assessments, and progress; treatment progress, results of screenings, assessments, evaluations and recommendations; or reports from residential treatment facilities. This information is provided for the sole purpose of informing the Court about the compliance of the youth and family to the conditions of supervision. Re-disclosure of the report to any agency not involved in the review hearing is not authorized.

**(6) Service Coordination with the Jefferson Parish Public School System**

To coordinate service provision between the juvenile justice and public school systems through the Academic/Behavioral Intervention Teams (A/BITs), and pursuant to Ch.C. Art. 412(D), the court authorizes release of the pre-dispositional report to the principals, or their designees, of four Jefferson Parish Public School system schools to be identified at a later date. Parameters for success of this pilot program will be established by parties from both entities with the goal of establishing further coordination between these systems.

**(7) Placement Planning**

Pursuant to Court orders and Louisiana R.S. 15:840.1, discussions between the Office of Juvenile Justice, Department of Juvenile Services, and Office of Community Services are held to determine appropriateness of out of home placements for youth who have met requirements of the Adoptions and Safe Families Act (ASFA). These discussions focus on determining eligibility for termination of parental rights and whether reasonable efforts were implemented to maintain the youth in the home. Information provided by the supervisory agency, predominantly the Department of Juvenile Services, includes results from screening/assessments, mental health evaluations, therapeutic treatment, probation supervision, school, and child welfare involvement. Recommendations target the needs of youth and abilities of families to provide an environment necessary for the proper development of the youth. Decisions regarding placement are made at the time of the discussion. Recommendations are made in writing to the Court regarding the most appropriate placement for the youth.

**XI. ISSUES THAT THIS MOU DOES NOT COVER**

It is not the intention of the MOU to supersede existing federal statutes, specifically HIPAA, FERPA, and 42CFR Part II, but rather, act as an adjunct to provide additional clarity to information that can and cannot be disclosed during juvenile justice proceedings for the purpose of case coordination and planning.

**XII. ADMINISTRATION OF THE MOU**

The administration of this Memorandum of Understanding will be the responsibility of the Interagency Coordination and Training Committee under direction from the Jefferson Parish Children & Youth Planning Board (CYPB). The CYPB is a multi-agency board established by Act 555, the Children & Youth Planning Board Act.

The interagency management committee operates in the following manner: Meetings occur on a monthly basis. Proceedings will be recorded via audio recording and minutes will document committee activities. The committee will be responsible for oversight activities, proposing alternative solutions, and resolving conflicts to a consensus of the committee. Roberts Rules of Order shall be used for committee approval. Committee membership is listed in the organizational chart of the Children & Youth Planning Board.

The following departments within each signatory are authorized to disclose information to and receive information from other signatories in compliance with the terms of this MOU and applicable federal and state laws:

Jefferson Parish Juvenile Court  
Truancy Assessment and Service Center  
Informal Families in Need of Services

Juvenile Drug Court  
Parish of Jefferson  
Department of Juvenile Services  
Probation Department  
L. Robert Rivarde Detention Center  
Jefferson Parish District Attorney's Office  
Juvenile Diversion Program  
Juvenile Division-Prosecution  
Jefferson Parish Human Services Authority  
Jefferson Parish Sheriff's Office  
Jefferson Parish School Board (aka the Jefferson Parish Public School System)  
Louisiana Department of Children and Family Services-Office of Community Services  
Louisiana Office of Juvenile Justice

Agency administrators and members of management teams will be responsible for monitoring their respective agencies' compliance with the terms of this MOU. Management team members shall insure compliance to the terms of this MOU by monitoring information-sharing requirements in existing case audits. At a minimum, case audits shall be conducted quarterly. A written record of these audits shall be maintained by the agency administrator in accordance with internal record-keeping policies.

Agency administrators will be responsible for providing internal training to staff members in the use and applicability of this MOU. The CYPB Interagency Training and Coordination Committee will be responsible for providing multi-agency training on the use and implementation of this MOU.

The signatories of this MOU, or their designees, shall meet, at a minimum, quarterly via the Children & Youth Planning Board (CYPB) Interagency Training and Coordination Committee to review the progress and compliance to the terms of this MOU. Recommendations for revisions will be made pursuant to committee guidelines and, if approved, shall be included in the annual review of the MOU.

### **XIII. DISPUTE RESOLUTION PROCESS**

Disputes arising from the terms and conditions of this MOU by signatories shall be registered with the Chairperson of the Interagency Training and Coordination Committee of the CYPB and the Chairperson of the Children & Youth Planning Board in writing. Within 60 days, the dispute shall be taken up by an ad hoc Dispute Resolution Committee, consisting of 5 members from the Children & Youth Planning Board. Meeting notices for the Dispute Resolution Committee shall be promulgated to the CYPB membership 30 days prior to the meeting. The Chairperson of the Interagency Training and Coordination Committee shall appoint five members from organizations that are not involved in the dispute for the DRC. Members shall vote on a chairperson. Agencies seeking dispute resolution shall present their position to the committee. The DRC shall hear the dispute from agency representatives and render a decision consistent with applicable federal and state laws. Decisions are based on a vote of DRC regular members, with the chairperson having the deciding vote in a tie. The decision of the DRC is final. The decision of the DRC shall be presented to the CYPB at the next regular CYPB meeting. It is the responsibility of agency administrators to adhere to the decision of the DRC when it is consistent with applicable federal and state laws. However, nothing contained herein shall prohibit any aggrieved party/stakeholder from pursuing any legal remedies available in the 24<sup>th</sup> Judicial District Court for the Parish of Jefferson, State of Louisiana.

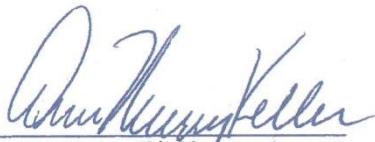
### **XIV. DURATION OF THE MOU**

This MOU is in effect for one (1) year from the date of the last signature with an option to extend for a one (1) additional year upon 2/3<sup>rd</sup> vote of the Children & Youth Planning Board appointed members. Agencies may terminate their participation in this MOU by a letter to the Interagency Training and Coordination Committee of the Children & Youth Planning Board.

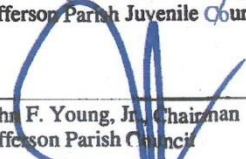
### **XV. SIGNATORIES**

In witness whereof the parties have hereto have executed this Memorandum of Understanding. Legal counsel for each signatory has reviewed and approved this MOU.




  
Ann Murry Keller, Chief Judge  
Jefferson Parish Juvenile Court

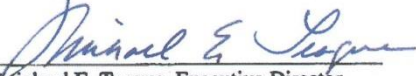
10/13/10  
Date

  
John F. Young, Jr., Chairman  
Jefferson Parish Council


10-5-10  
Date

  
Paul D. Connick, Jr., District Attorney  
Jefferson Parish District Attorney's Office

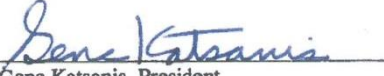
10-20-10  
Date

  
Michael E. Teague, Executive Director  
Jefferson Parish Human Services Authority

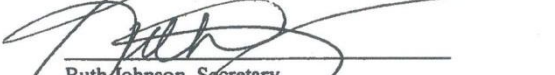
10/25/10  
Date

  
Newell Normand, Sheriff  
Jefferson Parish Sheriff's Office

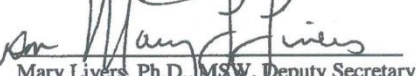
11/3/10  
Date

  
Gene Katsanis, President  
Jefferson Parish School Board

11-18-10  
Date

  
Ruth Johnson, Secretary  
Louisiana Department of Children and Family Services

11/2/11  
Date

  
Mary Livers, Ph.D., MSW, Deputy Secretary  
Louisiana Office of Juvenile Justice

1-19-10  
Date

ATTACHMENTS:

- 1. Combined consent form that is FERPA, HIPPA, and 42CFR compliant.

\_\_\_\_\_  
Signature of Legally  
Authorized Representative

\_\_\_\_\_  
Relationship to Individual

\_\_\_\_\_  
Date

**Important Information About Authorization**

**Note:** The Department of Children and Family Services-Office of Community Services' records are not subject to a waiver and shall not be released, except in accordance with state and federal law. This authorization is limited to the release of records to, not from, the Department of Children and Family Services-Office of Community Services.

You do not have to sign this form. If you agree to sign this authorization to release or obtain information, you will be given a signed copy of the form. Upon request, you will be provided with a copy of the records that are released. If you do not agree to release of information required to coordinate services, we may not be able to coordinate the most effective services and/or programs.

A separate signed authorization is required for the use and disclosure of health information for psychotherapy notes, employment-related determinations by an employer, and research purposes unrelated to your treatment.

When required by law or policy, child and youth service agencies may only obtain, use, and disclose your health information if the required written authorization includes all the elements of a valid authorization (pursuant to FERPA, HIPAA, and 42 CFR Part 2).

An authorization is voluntary. You will not be required to sign an authorization as a condition of receiving treatment, payment, enrollment in a health plan, or eligibility for health care services. If your authorization is required by law or policy, the children and youth service agencies will use and disclose your health information as you have authorized on the signed authorization form.

You may be required to sign an authorization before receiving research-related treatment.

You may be required to sign an authorization form for the purpose of creating protected health information for disclosure to a third party. For example, in a juvenile court proceeding where a parent is required to obtain a psychological evaluation on their minor by DHH, the parent may be required to sign an authorization to release the evaluation report (but not the psychotherapy notes) to DHH.

You may cancel an authorization in writing at any time. The Children and youth service agencies cannot take back any uses or disclosures already made before an authorization was cancelled.

Information used or disclosed by this authorization *may* be re-disclosed by the recipient and will no longer be protected by state and federal privacy policies.

**To Recipient:** This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

## Appendix C

Models for Change Information Sharing Tool Kit

Available at: <http://www.modelsforchange.net/publications/282>

A Guide to Legal and Policy Analysis for Systems Integration

Available at: [www.juvenileis.org/assets/publications/jjguide.pdf](http://www.juvenileis.org/assets/publications/jjguide.pdf)

Governance Guidelines for Juvenile Justice Information Sharing – National Juvenile Information Sharing Initiative

Available at: [http://www.juvenileis.org/guidelines\\_flash.html](http://www.juvenileis.org/guidelines_flash.html)

Child Welfare Information Gateway: Information Sharing

Available at: [http://www.childwelfare.gov/management/info\\_systems/info\\_sharing.cfm](http://www.childwelfare.gov/management/info_systems/info_sharing.cfm)

Establishing and Maintaining Interagency Information Sharing

Available at: <https://www.ncjrs.gov/pdffiles1/ojdp/17281.pdf>

Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration

Available at: <http://www.cwla.org/programs/juvenilejustice/jjguidebook08.pdf>

Navigating Information Sharing Toolkit

Available at: <http://sshs.promoteprevent.org/nis>

Protecting Youth from Self-Incrimination When Undergoing Screening, Assessment, and Treatment Within the Juvenile Justice System

Available at: [http://www.ilc.org/sites/default/files/publication\\_pdfs/protectingyouth.pdf](http://www.ilc.org/sites/default/files/publication_pdfs/protectingyouth.pdf)



