



Workshop Session I

Wednesday, April 27

3:15 to 5:00 p.m.

Fulton

COOPERATION 101

A Primer on Juvenile Justice Information Sharing

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Note: This presentation is for informational purposes only and is not intended to provide legal advice.

Case Example



- 15 y/o female
- Diversion for Theft
- Hx. School Failure
- Hx. Marijuana Tx.
- Hx. OCS Involvement

Exercise: Laws Impacting Information-Sharing

■ Based on story...

- What are the presumptions about gathering information for Diversion?
- Which law(s) establishes confidentiality of information you need?
- Which law(s) allow information to be shared with Diversion staff?
- What are the limits to information flow?
- Who has a need to know about Diversion?

Legal Foundation in Louisiana

■ **Act 555 of 2004 legislative session:**

Requires development of a comprehensive plan for the development, implementation, and operation of services for children and youth.

Plan should...

- Identify all resources available to meet the needs of children and youth;
- Assess the needs of children and youth in the local community incorporating reliable data sources;
- Develop and select the appropriate evidence-based strategies or programs to meet those needs and include measurable goals and objectives which should be evaluated annually to ensure its effectiveness;
- Ensure effective delivery of prevention programs in the community through training, technical assistance, monitoring, and evaluation to ensure effective outcomes are achieved;
- Collaborate with multiple youth serving agencies and organizations;
- Report the results of such assessment annually by October first to the **Office of Juvenile Justice (OJJ) and the Louisiana Children's Cabinet.** Performance indicators and benchmarks from the reports will be used for planning at both the state and community levels.

Legal Foundation in Louisiana

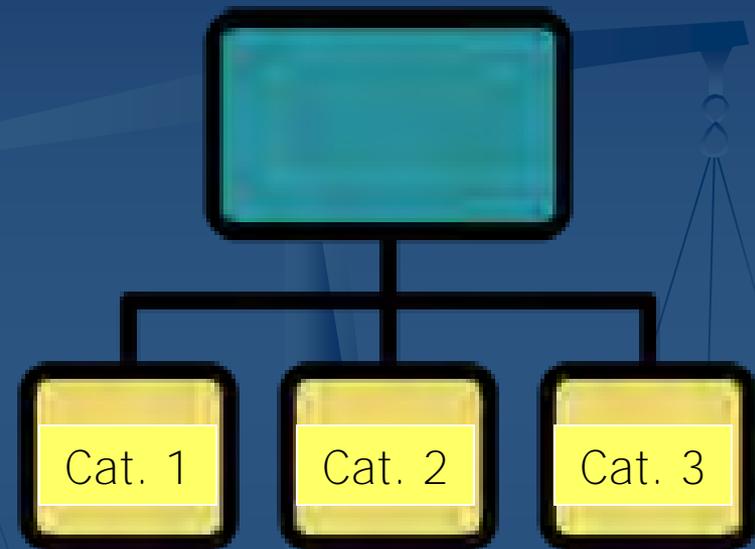
- **Act 119 of the 2005 Regular Session**
 - Enacted Children's Code Arts. 541-546
 - ..."the legislature supports interagency efforts to gather comprehensive data and to actively share and disseminate data among those agencies responsible for making informed decisions regarding the treatment, care, security, and rehabilitation of children within the state..."
 - ...the legislature finds that the sharing and integration of appropriate data and information may have numerous benefits for the children and families involved in the juvenile justice system, as well as for the state and local agencies attempting to provide services for them...

Definitions

- **“Need to Know”**: defined through a collaborative process involving the decision-makers, agencies, and systems with responsibility for serving youth, as well as youth, their families and legal representatives.
- **“Stakeholders”**: agencies which have the responsibility of providing services for children and youth.
- **“Personally Identifiable Information”**: information which, if known, could potentially identify a person.
- **“De-Identified Data”**: individual data with identifiable data removed to prevent identification of youth.
- **“Self-Incriminating Statements”**: the Fifth Amendment prohibits anyone from being a witness against themselves, including during assessments.

Categories of Information Sharing

- **Category One:** Sharing for Individual Client or Family Case Planning & Decision-Making (e.g., for cross-agency case planning/coordination)
- **Category Two:** Sharing for Law, Policy and Program Development (e.g., for policy development and planning)
- **Category Three:** Sharing for Program Evaluation and Performance Measurement (e.g., for evaluating program or service impact)



Principles of Information-Sharing

- Personal and Institutional Responsibility
- Legal, Constitutional, and Ethical Concerns Regarding Privacy
- Presumption of Non-Disclosure (Confidentiality)
- Permitted Disclosure & Required Disclosure
- Presumption of Disclosure for De-Identified Data

What Information Sharing Is and Is Not



- **Information-Sharing is...**
 - A collaborative process
 - Maintaining rights of youth
 - Youth and family-focused
 - Coordinating services
 - Improving outcomes
- **Information-Sharing is not...**
 - ..."because we've always done it."
 - Violating rights of youth/families

Paper vs. Electronic Information-Sharing

- **Paper**
 - E-mailed, faxed, scanned, mailed
 - Not easily accessible by public
 - Requires physical safeguards against disclosure
- **Electronic**
 - Accessed through a common computer program, contained in electronic database
 - Requires electronic safeguards against disclosure
- Both require Consent to Release or other exception to confidentiality



Overview of Confidentiality Laws



■ State Sources

- Children's Code
- Code of Civil Procedure (Art. 251)
- Louisiana Code of Evidence
- Revised Statutes
- Professional Codes of Conduct

■ Federal Regulations

- FERPA (34 CFR 99)
- Drug & Alcohol Law (42 CFR Pt. 2)
- HIPAA (45 CFR 164)

Developing A Collaborative



- Local Collaborative Entity
 - Contains stakeholders
 - Provides oversight and coordination of efforts
 - Sets priorities...
 - Etc.
 - Children & Youth Planning Boards!

Memorandum of Understanding Basics



A Memorandum of Understanding (MOU) is entered into by parties and represents the **parties' agreement** regarding information-sharing at various decision points within the juvenile justice system.

Memorandum of Understanding Basics

- Parties?
 - Not that kind of party!
 - Depends in the scope of information shared.
 - Any agency either disclosing or receiving information will be a necessary signatory.
 - Legal representatives of the youth and families whose information will be shared.



Memorandum of Understanding Basics

■ Essential Elements

- Title
- Identity of Parties
- Legal Authority for MOU
- Purpose
- Responsibilities of Parties
- Issues MOU does not cover
- Dispute Resolution
- Duration
- Signatories



Consent Forms

- 42 CFR, FERPA, and HIPAA have different requirements for essential elements of a consent form.
- For example, HIPAA prohibits combined consent forms for psychotherapy notes.



	42CFR	FERPA	HIPAA
Name of person or program authorized to make disclosure	X		X
Name of person or program to which the disclosure is to be made	X	X	X
Name of patient/student	X		
Purpose of disclosure	X	X	X
Specific description of information and/or records to be disclosed	X	X	X
Signature of patient/student and other authorized signature...	X	X	X
Date on which the consent is signed	X	X	X
Statement that the consent is subject to revocation at any time	X		X
Date, event/condition upon which the consent will expire, if needed	X		X
Statement that information cannot be redisclosed	X		
Provide copy of disclosed records to parent/student/patient		X	X
Signed and dated written consent may include electronic record and signature		X	
Statement that info disclosed may be subject by redisclosure			X
Statement that treatment is not conditional upon release of info			X
Statement that individual may refuse to sign authorization			X

Time Constraints of Information



- MOU's and consent forms allow data to **flow...**
- Data must meet standards for sharing **AND...**
- ...it must be **current-** no more than a year old.



Welcome to the official Jefferson Parish, LA Web site.

- Community Justice Agency
- Juvenile Court
- CYPB Directory of Comm. Svcs.
- CYPB Vision 2011 & Beyond
- Juvenile Justice Acronym List
- Family Comm. Resource Booklet
- Pract's Guide to Confidentiality
- Survey of Comm. Programs - 2010

Juvenile Justice Reform Publications

Home ▶ Parish Departments ▶ Juvenile Services

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Juvenile Services Home Page

List of Juvenile Justice Reform Publications

- [Community Resource Booklet for Families with Children](#)
- [CYPB Directory of Community Services](#)
- [CYPB Vision 2011 and Beyond Comprehensive Plan](#)
- [Detention Center Self Assessment - 2010](#)
- [Information Sharing - Legal Mapping Matrix](#)
- [Information Sharing - MOU](#)
- [Juvenile Detention Assessment Instrument Form](#)
- [Juvenile Detention Assessment Instrument Manual](#)
- [Juvenile Justice Acronym List](#)
- [Practitioner's Guide to Confidentiality](#)
- [Screening and Assessment Manual](#)

FAQ's

- Why do we share data?
- Who needs to share data?
- What are barriers to sharing data?
- **Why can't we just share everything?**
- Are there legal consequences for improper sharing?

Resources

- Mankey, J., Baca, P., Rondenell, S., Webb, M., & McHugh, D. (October, 2006). *Guidelines for Juvenile Information Sharing*. Washington, D.C.: OJJDP.
- Information Sharing and Cross-System Collaboration, Justice Center Webinar presentation by John Petrila, J.D., LL.M.
http://www.ojp.usdoj.gov/BJA/pdf/CSG_HIPAA_webinar.pdf
- Models for Change Information Sharing Tool Kit download: <http://modelsforchange.net/publications/282>

Questions?

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<http://cypb.jpjc.org>