

# TASK FORCE ON CROSSOVER YOUTH DATA AND INFORMATION SHARING

## MEETING NOTES

October 25, 2016  
10:00am – 1:00pm

Arizona State Courts Building, 1501 W. Washington  
Phoenix, AZ 85007  
Conference Room 345 A & B

Chair: Hon. Craig Blakey, Ret.

### I. Meeting Called to Order at 10:00am

### II. Welcome

- Purpose of Task Force, Overview of today's meeting, Video

Judge Blakey provided an overview of the Task Force's goals. The Task Force's recommendations will result in a publication to the Arizona Supreme Court's Administrative Office of the Courts. Judge Blakey discussed the challenges of data and information sharing among the State's entities serving Arizona's children. He stressed that it is paramount for all to stand by these children, particularly the crossover youth population, and he played a music video of "Stand by Me" from the Playing for Change DVD.

### III. Roll call

Present: Honorable Craig Blakey, Ret., Beth Broeker (Non-Appointee – Chief Hearing Officer, DOJC), Leslie Cooper, Shelley Curran, Sandra Diehl, Lillian Downing, Elizabeth Ells (Substitute for Eric Meaux), Ellen Grein, Susan Hallett, Pete Hershberger, John Jackson, Casie Lightfoot, Lauren Lowe, Cory Lustig, Elaine Maestas, Teresa Manning, Therese Martin, Honorable Margaret McCullough, Sarah Murillo, Honorable Kathleen Quigley, Steve Selover (Non-Appointee – Governor's Office of Youth, Faith & Family), Sloane Steele, Amy Stuart, Honorable Joan Wagener, Regina Rodriguez, Robert Shelley, Rhonda Walker

Not Present: Zarina Aguilar, Diane Culin, Diana Hegyi, Angela Kircher, Bryon Matsuda, Eric Meaux

#### IV. Open Issues

1. Activity introduced by Judge Blakey: What would you do to make sure that the crossover youth population's interaction with probation, child welfare, behavioral health, education, law enforcement and the courts is a complete failure, producing the worst results imaginable? The Task Force split into a series of groups, shared ideas, and reported out the following:

- Staff and decision makers' turnover; have little communication among DCS, JP and Behavioral Health; lack of political support from the top; lack of resources, money, time, support; technological barriers; make sure that there is no training or education within agencies so that there is no understanding of each other's systems.
- Lack of communication/collaboration/trust among agencies, court, families and youth; continue to function as silos with distrust among them. No shared database, no information sharing platform, no education component; no sharing information with CASAs and attorneys; no placement coordination with the life of the child (located close to family, school, etc.); no continuity of school location or therapist; lack of concern regarding the child's permanency; not sharing information with dependency attorney regarding the child's delinquency case or diversion status.
- Making counties figure it out on their own or waiting until everything is perfect before information is shared.
- Make sure that families have negative experiences with their caseworkers and their children's therapists, probation officers and the court; maintain a level of fear of liability for agencies and providers. Agencies should point the finger at each other at CFTs and court hearings. Ensure that families have transportation issues. With children in rural counties, ignore the fact that a child may have a delinquency in one county and a dependency in another. No services or a lack of coordination of services;

lack of youth and family involvement (no voice); disruption; lack of transition; placement disruptions; lack of progression trajectory; frequent changes in therapists, case workers, probation officers.

- Redundancy in services due to lack of communication. More of an emphasis on the lack of shared vision, making it difficult for families to understand what is happening. Don't do a good job of helping families navigate through different processes. Don't have cross-training among agencies. No strong and enduring policies & practices to shape best practices so that as leadership changes, there is no continuity. Assure barriers to advancing technology. Make sure systems are not set up to share information. If child/family starts in delinquency track, then a dependency filed, make sure there are no protocols to share what services have already been provided to avoid duplication of services. Not having team meetings to look at what else might fit the need.

2. General discussion regarding the above characteristics and barriers in cases involving crossover youth:

- Mohave County has found there were definite positives when the agencies came together to share - basing actions on trust and not using information against each other.
- Lack of protocol, inter-agency agreements, etc.
- At the case level, there is a need for sharing information. There is also the larger aggregate piece if there is an available technology to allow sharing of confidential information.
- The CHILDS system is antiquated and works against efficiency and effectiveness. There has been no political courage to replace CHILDS. This is a desperate need. Note: DCS is in the process of replacing CHILDS and the new system is required to have the capacity for interoperability.

- The 2016 CYPM survey indicates that Pima County has amazing data sharing agreements. Each county has their own setup and communication standards and protocols, so from a technology point of view that makes sharing of data and information difficult.
- There are a lot of transfers of child records between counties. There is not an understanding of how to process the children involved when other counties are involved. Even within agencies and the courts in one county, it's difficult to share information.
- Information within a dataset is often delayed due to data cleanup and accuracy issues.
- A lack of continuity of data personnel is a problem. When the key person leaves, progress can halt. When Maricopa County started the Crossover Youth Project Model (CYPM), DCS and other agencies were part of the initial group. DCS was ready to sign the final agreement, then there was a change in DCS leadership so the agreement was not signed. Many of the people that had been trained in the new CYPM protocols were let go or moved on, setting back the Maricopa CYPM effort. Nonetheless, Maricopa County juvenile probation officers still assist DCS case specialists in Maricopa County in cross-training, so the entities better understand each other's roles and processes.
- There can be a lack of family and youth voice. Ultimately it's about their experience and we need to make it a short experience.
- Statutes and rules for privacy sometimes make it difficult for the families. You're not supposed to talk about the private information outside the court room, but DCS does have to talk with the schools about some of this information. About 5 years ago, the *American Public Human Services Association* Newsletter included an article about family-focused services, etc. It pointed out that there are about 15 different congressional committees (medical, behavioral health, education, etc.), and also

different legislative committees, but no collaboration among them. This impacts the family.

- It would be best to use a trauma informed approach in order to prevent kids coming in to the process.
  - Judge Blakey asked members to consider to what extent their own organizations were creating the barriers mentioned.
3. Utilizing flip charts with agency headings (Behavioral Health, Child Welfare, Education, and Juvenile Probation), participants are directed to list under each heading the information that should be shared to ensure the success of a crossover youth case.

Participants were then given 10 stickers (“dots”) and asked to rank the importance of the items listed on the flip charts, placing a dot(s) next to those of greatest importance.

Quick review of charts and a general discussion regarding needs associated with each agency:

#### Education

- There should be someone at the child’s school who is familiar with the various systems and who could be a point person for the various agencies on behalf of the child. Historical knowledge regarding the child (attendance, discipline, needs, etc.) is important.
- A child’s placement should be chosen based, in part, on what will pose the least disruption to his or her education.
- By law, Education can now share information with DCS but not all Education personnel are aware of this.
- Defense attorneys frequently have difficulty getting DCS to let them know where their client is placed or going to school..

- DCS sometimes makes changes in placement without even realizing that the change may make the child have to change schools and school districts. Crossover youth are moving way too much. Staying close to the family and familiar surroundings is important.
- There currently isn't a good way to make sure the child's relevant information is shared.
- Many of the crossover youth are teens, which makes the process more difficult.
- Keep in mind that we want to keep kids from crossing over. There may be DCS involvement and we don't want it to become a delinquency issue (or vice versa). There must be an initial meeting between the DCS caseworker/JPO/behavioral health worker/foster parent with the Vice Principal so the school is prepared to meet the child's needs.
- Teachers/administrators often learn only after the fact that a foster child has been enrolled in the school. If they knew ahead of time, they could assist in making sure that wraparound services are in place to help the child, the teacher, etc.
- In court, everyone is informed that the child's information is confidential and DCS drills into new case managers that DCS information is confidential, so much so that they think they're not allowed to share information with people who are actually entitled to it.
- There should be joint training exercises with DCS and the other agencies.
- Teachers are frustrated because they don't know options other than calling the school resource officer which can result in the filing of a delinquency petition.
- Maricopa County has a data sharing agreement, and the challenge is keeping the sharing information platform up to date.
- There should be training about what role and responsibility the child's parent has with respect to education issues. This causes a lot of confusion preventing the parent from

participating in the child's activities because DCS has custody. Another question that comes up is who can sign as a parent for an IEP. DCS officers often think they can sign as a parent, but they cannot. Clarity is necessary on this topic and then joint education for the various silos as to who can sign what or who can obtain basic educational information.

- A foster parent or a DCS case specialist can take the child out of school, enroll the child, approve field trips, etc. However, Special Education is one issue where DCS is limited and group home staff can't make parental decisions. And group homes typically don't allow field trips or extracurricular activities. Normally, group home children are not allowed to spend the night with a friend unless that friend's family has gone through a DCS background check. Similar barriers apply to a child going on an out of state field trip, or buying a birthday gift for a friend. These kids become far removed and isolated by the system. This treatment makes them prone to ridicule and feeling different. There are new Federal statutes which require that every child have normalcy and give that child a normal life. Thus, to ensure normalcy, there must be a better understanding of the federal law. DCS has released new practice guidelines and these are on the DCS website.
- Psychological evaluations should be a part of the educational record.
- There have been cases where a suitable school is identified, but the school then looks for reasons to expel the child. Having a district or individual school contact would be helpful to prepare the school for the youth and to make a cohesive plan for accommodations.
- It is important to emphasize the strengths of the child to help encourage success and to develop a positive future. It is important to know the disciplinary aspect, but it is more important to emphasize strength-based findings.
- Sometimes "disruptive" behaviors are protective coping mechanisms. Education need to understand this. Many of these behaviors are caused by trauma.

- Is the legal file part of the social file? These two types of file should be more clearly defined. (Rule 19, ARS 8-208, DCS 8807)
- Some therapeutic placements or treatment facilities will use polygraphs to see if a child accused or adjudicated of a sex crime is progressing in treatment. Often a child is begging for treatment and wants to get well. However, the treatment provider says it can't go any further without a polygraph, but the child's attorney will not allow the child to take a lie detector test. While under certain statutes or court rules, charges can't be filed on those facts obtained during such a polygraph, the child's disclosed information can be used against the child in the future (e.g., as an adult) to show a pattern of conduct or motive. The group was prompted for ideas on what can be shared through or with sex offender programs.

#### Juvenile Probation:

- Delivery of services should move from transactional-based funding (how many services) to transformational-based funding (whether child or family gets better). Federal funding is administered that way.

RECOMMENDATION 1: Change funding of the delivery of services from a transactional-based funding to a transformational-based funding (whether child or family gets better).

- It's critical to understand the root causes of the child's involvement with juvenile probation. To better understand child and family dynamics, delve more into how was the child feeling and why he or she made certain choices. DCS and Juvenile Probation should consider earlier involvement instead of waiting until the child or the family becomes involved with the other silo. There should be a standardized set of questions. Ideally, Probation, DCS and Behavioral Health should be part of the interview process together, so they could share information in a better way and to minimize the various appointments for the child.

RECOMMENDATION 2: Probation Officers should do a more in-depth interview with child and family, asking the "why" instead of focusing on the "what."

- The County Attorney should be included in very beginning stage for these cases.
- It is important to look at group homes and see how kids are treated differently. Often, the County Attorney doesn't have all the information.

RECOMMENDATION 3: Develop a guideline for group homes on when to call police and when not to call police.

- Keep in mind that, at the point of crossover, the agencies need to connect and communicate to keep the child from penetrating further. Group homes are licensed and contracted with DCS. They often have inexperienced staff so, when the youth disrupts, it may seem that the only choice is to call 911, which gets law enforcement involved. There should be more involvement with Behavioral Health for crisis response to these issues

RECOMMENDATION 4: Behavioral Health/DCS/JPD should provide crisis response education and training to group home staff.

RECOMMENDATION 5. Better communication between law enforcement, behavioral health and group homes to all be trained with alternatives.

- A scenario is discussed where an eight year old child commits an aggravated assault while at school. Law enforcement typically arrests the child. Think of all the different things that would be better than giving an 8 year old an aggravated assault charge. A group member is working to put together a matrix for group homes. Teachers and law enforcement officials want another alternative to a delinquency filing. According to anecdotal law enforcement histories in Maricopa County, upon initial placement the home often doesn't have any more information than the name of the child and birth date. Child welfare needs to come up with a better approach. Law enforcement academies should update their required training as it pertains to alleged young offenders.

RECOMMENDATION 6: Any time the intake officer receives a referral, it should include information about whether this is a CYPM child, so that the County Attorney and the JPO/DCS is aware.

RECOMMENDATION 7: Counties who participate in the CYPM include their County Attorney on their governance board or relevant committee.

RECOMMENDATION 8: Whenever a child is moved to a new placement by DCS, the placement should be provided with the appropriate identifying information, including the child's JPO, DCS case specialist, treatment provider, homeroom teacher, parents, etc.

- It is important to share case plans reports. There can be separate case plans from Juvenile Probation, DCS, and behavioral health. Consideration should be given to creating one family case plan and the CFT may be the place for such a plan to be developed and adopted.

If probation shares certain information with DCS, it may raise prickly topics about how to deal with the issue of secondary dissemination (e.g. sharing a case plan or psychological evaluation about youth and family).

RECOMMENDATION 9: Require a court order to share information secondarily.

#### Child Welfare:

- What will create and sustain permanency for this child? Multiple placements and schools for the child is not permanency.
- Placement changes depend on the individual DCS Caseworker and a means to inform the team that there has been a placement change.

RECOMMENDATION 10: Certain time sensitive information should be passed on quickly to those that have direct contact with the child (probation officer, behavioral health, DCS caseworker, placement personnel).

- A well-informed support team is important so that someone up the line can't arbitrarily determine specialized treatment is no longer needed. For instance, someone up the chain denies the unanimous conclusion by the child's team, or even the court, and says "No, not that level of placement" because the the child is doing well in detention and therefore does not need a locked treatment facility. How should this scenario be approached? CMDP (DCS health plan) employs behavioral health liaisons who help with denials of service. They don't have the same denials of service that behavioral health runs into. This stems from the fact that, with an initial denial, there is information sharing and it's often a less formal method of just picking up the phone to discuss what the denial is based upon. In order to prevent a delay in treatment or the languishing of a child in detention, there have been times when judges have forced DCS to pay for placement, when it should have come out of behavioral health's budget.
- In Maricopa County, every youth identified as Crossover is automatically referred to the Juvenile Justice Engagement Team at the RBHA. This makes sure that the CFTs are timely scheduled and that the right people are involved who understand the system and the child's complex needs, including identifying those youth who require a referral for intensive case management.
- Service and crisis plans are not as thorough or shared on a consistent basis. At one point, if the DCS specialist isn't present, then the meeting can't be called a CFT. This delays treatment, normalcy and exit from the system.
- With behavioral health treatment, the HIPPA may become an issue, further causing delays. With education needs, then the FERPA must be addressed. Training as to what behavioral health and educational information may be readily shared is paramount in dealing with crossover youth and their families.
- All system partners should connect with the Arizona Health Information Exchange (HIE), <https://azhec.org>, where all behavioral and physical health information is housed regardless of age. Traditionally only medical providers are given access to the HIE so

policy should be developed that would allow for non-clinicians to have access to certain sub-sets of the medical data.

- There should also be a system developed for the court and education that is similar to the HIE so that data about a child's history (medical, education, court, etc.) could be joined together. Work has begun within the HIE to include crisis team management information as well as crisis phone line data which can show trends in the process of care.
- Would it be beneficial to have a shared data platform among each of the silos? Pima County's inter-agency agreements, Maricopa County's administrative orders, and FosterEd's experiences are discussed.
- An example was shared of a defense attorney that didn't want the child to have certain behavioral health testing. An Administrative Order covering Titles, 12, 13, 32 and HIPPA was signed that met the concerns and prohibited third-party dissemination without a court order.
- HIPPA rules allow for statutes, rules or court order to mandate sharing of information except for substance abuse treatment information. Otherwise a statute that just requires sharing information given certain facts would be allowable and would do away with this need to constantly be getting orders.

#### **V. Next Steps**

The focus of the group will be to articulate recommendations that focus on the eliminating the barriers discussed today.

Information regarding future meeting dates and locations will be posted.

**VI. New Business – none.**

**VII. Call to the Public – no issues raised.**

**VIII. Meeting Adjourned at 1:14pm.**