

State of Arizona

SYSTEMS INTEGRATION

INITIATIVE

INFORMATION SHARING

GUIDE



Governor's Office for Children,
Youth and Families

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Introduction*

This Field Guide is written for Assistant Attorneys General, Child Protective Service Specialists (case managers), County Attorneys, Court Appointed Special Advocates, Behavioral Health Treatment Providers, Juvenile Probation and Parole Officers, and School Personnel (social workers, teachers, administrators, and psychologists). It contains guidelines for the sharing of information of children and families that are involved in the child welfare and juvenile justice systems. It was created by attorneys and personnel representing Arizona's Administrative Office of the Courts (AOC) and the Departments of Economic Security (DES), Education (ADE), Health Services (DHS), and Juvenile Corrections (ADJC).

It began in May 2006, when multidisciplinary teams representing each Arizona county and a state-level team consisting of state agency Directors and policy writers, gathered together to participate in a learning and planning summit. The focus of the summit was to help promote greater integration in the provision of services to children and families in their communities.

At the conclusion of the Summit, the Child Welfare-Juvenile Justice Integration Initiative Executive Committee was established. Members of the committee include state agency staff, representatives from the Governor's Children's Cabinet and community stakeholders. The Committee's goal is to coordinate agency responses and improve outcomes for youth who are involved in both the child welfare and juvenile justice systems or who are at risk of involvement in both of these systems.

In order to reach these goals, the sharing of information should be viewed as a key component. It not only facilitates the coordination of services among the agencies, it also improves outcomes for children and youth in the child welfare and juvenile justice systems. Oftentimes it is confusing for staff to know what types of information may be shared. This Field Guide provides answers to questions that relate to the sharing of information between staff involved with children and youth in the child welfare and juvenile justice systems.

The information that is provided in this Field Guide was written and reviewed by attorneys representing these two systems, and is intended to be applied statewide. It is not, however, intended to answer all questions you may have regarding information sharing and confidentiality. Please contact your organization's attorney if you need clarification or have any questions that may not be answered in this document.

The Child Welfare-Juvenile Justice Field Guide Workgroup has approved the contents of this document. The Child Welfare-Juvenile Justice Systems Integration Initiative Executive Committee is appreciative for the legal research that was conducted by the following attorneys: David Withey, Joel Rudd, Kim Anderson, Nancy Logan, and Nina Preston. Other participants on the Field Guide Workgroup that dedicated an enormous amount of time to this important endeavor included Abby Page, Art Wilkerson, Barbara Presler, Bill Morrison, Bill Riedmann, Chris Rufo, Chris Shipley, David Barnhouse, Helen Gouvert, James de Jesus, Janet Garcia, Nicole Yancey, Patricia Carey, Peggy Eggemeyer, Rob Lubitz, Sandra Lescoe, and Steve Lazere.

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Overview of Information Sharing Responsibilities

There are many federal and state laws and rules governing the sharing of information that must be followed when working with families who have children who have been found by a court to be dependent and have also been found by a court to have committed juvenile offenses. The goal of these laws and rules is creating a balance between protecting a family's/individual's privacy/legal rights and allowing agencies/system professionals to exchange information considered essential for the coordination of services.

What is your role?

Your ability to obtain and share information depends on your role in the child's life. This Information Sharing Guide provides several tools for helping you decide when and how to share information. It also identifies those laws authorizing the sharing of information.

Why should information be shared?

There are children who are dependent children who also have committed juvenile offenses. They are involved in both our Child Welfare and Juvenile Justice Systems. The agencies and individuals who work with these children are better able to serve the needs of these children when relevant and necessary information is shared. Services can be better coordinated and more efficiently provided. Additionally, more timely and efficient communication results in greater collaboration.

When should you share information?

This Guide answers basic questions about information sharing. However, the Guide is not intended to be legal advice. To fully understand the laws that apply, some situations will require that you consult your supervisor or your legal counsel.

Even if the law gives you authority to share information, many situations require you to use good judgment about what information you should share, how and when to share it, and with whom. Children and their families are dealing with very sensitive issues. Respect their privacy. Ask the requestor the reasons why the information is needed. Information may be disclosed when the requestor has a need for such information in order to carry out the requestor's own responsibilities under law to protect or serve children. You will need to have a discussion with the requestor so that the requestor can convey what information is necessary and relevant to his/her needs. This questioning will help you disclose only that information which is necessary and relevant for serving the needs of the child and family. Care should be taken to protect potentially incriminating information gained in the process of screening, assessing, or treating a youth from disclosure and re-disclosure that can push a youth further into the juvenile and criminal justice systems. Remember, once released, information is difficult to retrieve. Regularly consult your supervisor or records coordinator if you are unsure about whether and how to share information.

Dispelling Myths

Confused about who can share what about whom? You are not alone! When it comes to sharing information about children, it's hard to separate myth from fact. This is especially true when large systems intersect. Here are some favorite myths along with corresponding facts.

Myth #1

All information in the CPS record about dependent children is confidential and may not be shared with anyone except the child's parents.

Fact:

Depending on your role, you may provide and/or receive CPS information about a child's CPS records when you are conducting an assessment regarding the child, evaluating the child's needs for services, or have responsibility for the child's welfare or supervision.

Myth #2

JPOs and/or ADJC case managers are prohibited from sharing information with anyone other than a child's parents.

Fact:

Parents or children and their attorneys are entitled to access to all records and information collected about them or retained by the JPOs and/or ADJC case managers with the exception of "Social File" records that are "closed" or confidential. In addition, records retained or produced by the JPO and/or ADJC case manager may be shared with CPS Specialists if CPS is conducting an assessment or pursuing a case regarding the child or has responsibility for the child's welfare.



Questions and Best Practices for the Requestor of Information

1. **Why do you need the information...what is your purpose...what entitles you to the information?**

A request for information should be made only if it is necessary to assist in the assessment of the youth's needs, the development of a service plan for the youth, and/or the coordination of services between agencies. The requestor needs to determine whether he/she is entitled to the information sought. He/she needs to be certain to possess the legal authority to obtain this information either by statute or by obtaining the appropriate consent/release of information.

2. **How are you going to use the information?**

Care should be taken to use the information only for the purposes for which it has been sought. There is the danger that information obtained about a youth's substance abuse, mental health status, or unlawful behavior may be used to further incriminate the youth or push him/her unnecessarily further into the juvenile justice system.

3. **How are you going to protect the information during its use (including information maintained on a computer)?**

Reports and notes containing information obtained from other agencies should be protected along with other confidential information about the youth. Care should be taken to keep hard files in locked cabinets and electronic information should be stored in a manner which protects it from unintended access and use.

4. **How are you going to protect/dispose of the information after your use?**

Once the information has been used for its intended purposes, it should be disposed of in accordance with the involved agencies' policies for destruction of data. If it needs to be maintained, it should be stored in a special section of the case file and/or blocked from unintended access, until it can be destroyed.

5. **Who else is going to have access to the information?**

Access to the information should be prescribed in terms of who is permitted to see and use either hard file or electronic copies.

6. **What additional dissemination of the information are you going to make? For what purpose? Is it necessary?**

It may be that some dissemination of the information is necessary to achieve the evaluation or treatment goals. Care should be taken to think about each transmission to be sure that the person receiving it is entitled to it and that it is necessary for that person to receive it for the intended purposes. Beyond the formal dissemination, all holders of the youth's information

should take care to not informally share the information in casual conversation or in some other manner inadvertently disseminate the information beyond its intended use.

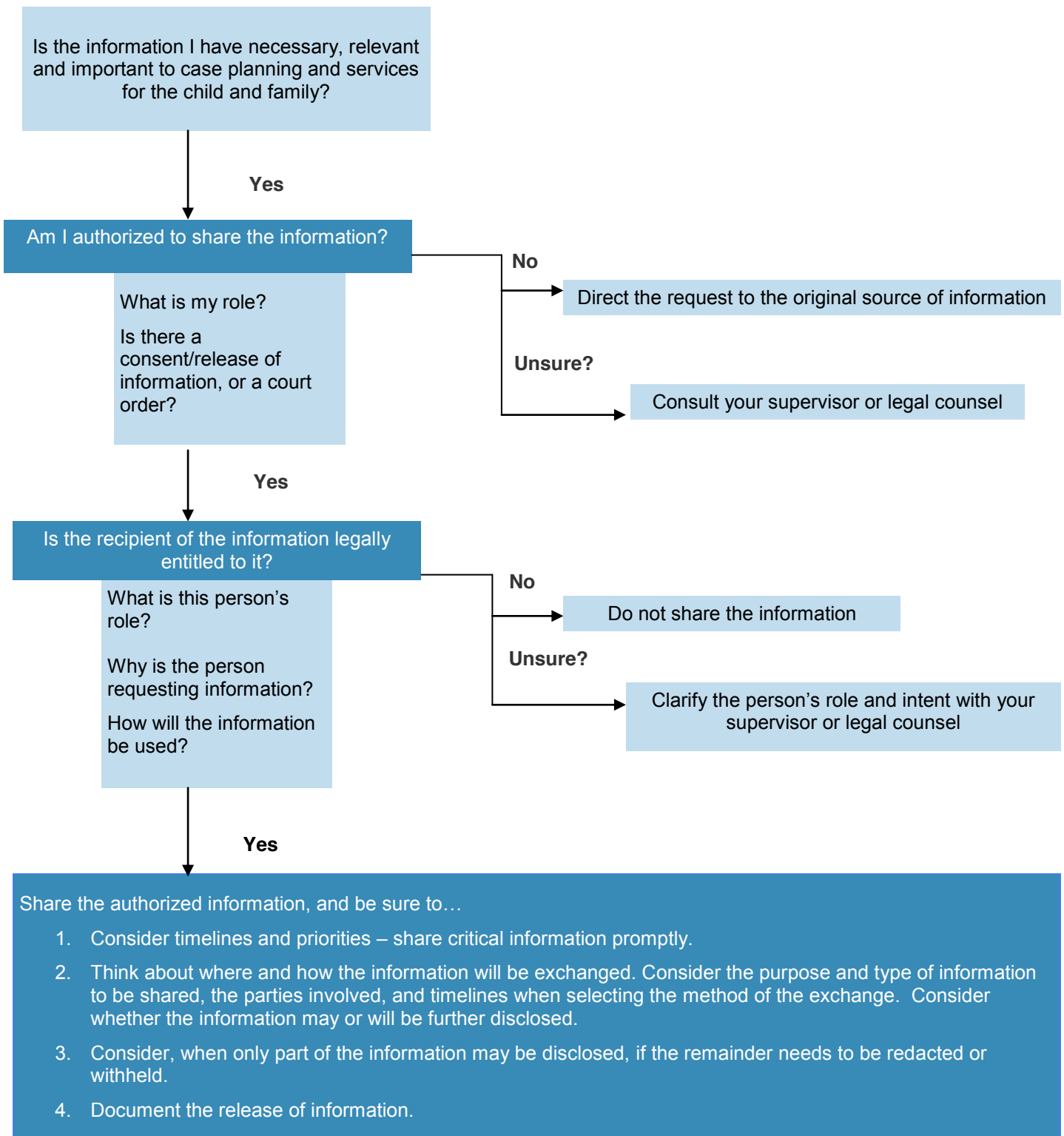
7. **Will you have a log or some record of who requested and who transmitted information?**

Agencies should keep a log of requestors and transmitters of information. This may be established centrally if there is an information access officer or it may be maintained by the individual worker. If a log is maintained by the individual worker, there should be a log for information requests and transmissions on all the worker's cases along with a notation in the individual case file of each information request and transmission.

8. **How will you handle requests for consents/releases of information with the families?**

The participation of family members in the assessment and planning for services delivery is critical in order to achieve identified outcomes for youth. As consents/releases are sought, communications should be conducted in a manner that is respectful of the family's right to privacy. The requested information should be shared with the family to determine whether it is correct and whether the family is in agreement with any information changes that may have been made.

When Someone Asks You For Information, Consider:



Don't Stop Here! Be sure to check the law! Use the Decision Making Tree with the specific agency information in this Guide.

Quick Reference Grid On Information Sharing Laws

		RECEIVERS OF INFORMATION					
		Child Protective Services Specialists	Juvenile Probation Officers	Juvenile Corrections	Behavioral Health Services Providers	Court Appointed Special Advocates	School Staff and Educators
GIVERS OF INFORMATION	Child Protective Services (CPS) Specialists	CPS Specialists may share all information within CPS. A.R.S. § 8-807	CPS may share information reasonably necessary to provide services to the child or family. A.R.S. § 8-807	CPS may share information reasonably necessary to provide services to the child or family. A.R.S. § 8-807	CPS may share information reasonably necessary to provide services to the child or family. A.R.S. § 8-807	CPS may share all information with CASAs. A.R.S. §8-807, A.R.S. § 8-522	CPS may share information reasonably necessary to provide services to the child or family. A.R.S. § 8-807
	Juvenile Probation Officers (JPOs)	If the child <u>is not</u> in CPS custody, JPO may share its Legal File, but not its social file. If the child <u>is</u> in CPS custody, JPO may share all information that would otherwise be shared with the child or the child's custodian.	JPO may share information with other JPOs based upon the need to know. Social File information is available only to those JPOs with a need to know.	JPO may share its legal file and, under certain circumstances, parts of its social file, with ADJC employees.	Interpretation of law is unclear; seek legal advice or judicial authorization	JPO may share all information with CASAs. A.R.S. § 8-522(F)	JPO may share its Legal File. Social file information will only be released with the approval of the child's parent or legal guardian, in response to a court order or subpoena.
	Juvenile Corrections	If a juvenile is not in CPS custody, ADJC may share its legal file, but not its social file. If the child is in CPS custody, ADJC may share all information that would otherwise be shared with the child's parent or legal guardian.	ADJC may share its legal file and, under certain circumstances, parts of its social file, with JPO.	ADJC may share information with other ADJC Employees based upon the need to know. Social file information is available only to those ADJC employees with a need to know.	ADJC may share information with behavioral health service providers with the approval of the child's parent or legal guardian, in an emergency (A.R.S. § 41-2805) or in response to a court order or subpoena.	ADJC may share information with CASAs with the approval of the child's parent or legal guardian, in an emergency or in response to a court order or subpoena.	ADJC may share its legal file with schools and educators. Social file information will only be released with the approval of the child's parent or legal guardian, in response to a court order or subpoena.

		RECEIVERS OF INFORMATION					
		Child Protective Services Specialists	Juvenile Probation Officers	Juvenile Corrections	Behavioral Health Services Providers	Court Appointed Special Advocates	School Staff and Educators
GIVERS OF INFORMATION	Behavioral Health Services Providers	Behavioral Health Services Providers may share information for treatment purposes with CPS Specialists who are members of the Child-Family Team. A.R.S. § 36-509(A)(1), A.R.S. § 12-2294(B)(1), 45 C.F.R. § 164.506	Behavioral Health Services Providers may share limited information with JPOs if the child's health care decision maker does not object (A.R.S. § 36-509(A)(7)) and for certain purposes related to law enforcement. A.R.S. § 36-509(A)(6), 45 C.F.R. § 164.512	Behavioral Health Services Providers may share limited information with ADJC employees if the child's health care decision maker does not object (A.R.S. § 36-509(A)(7)) and for certain purposes related to law enforcement. A.R.S. § 36-509(A)(6), 46 C.F.R. § 164.512	Behavioral Health Service Providers may share all information with other Behavioral Health Services Providers involved in the care, treatment or supervision of the child.	Behavioral Health Services Providers may share information with a CASA where such disclosure has been authorized by court order. 45 C.F.R. § 164.512	Behavioral Health Service Providers may share a child's information with school staff and educators if such disclosure has been ordered by a court, authorized by the health care decision maker for the child or if the disclosure is to a school nurse, e.g., and is related to treatment of the child. 45 C.F.R. § 164.512(a)(1) and (e)(1), -508(a)(1) and -506(a)
	School Staff and Educators	School staff and educators may, under certain conditions, share student directory information with CPS Specialists and, in an emergency or in response to a court order or subpoena, share educational records. 20 U.S.C. §§ 1232g(a), (b) *	School staff and educators may, under certain conditions, share student directory information with JPOs and, in an emergency or in response to a court order or subpoena, share educational records. 20 U.S.C. §§ 1232g(a),(b)	Schools must timely release to ADJC all educational records relating to students awarded to ADJC. A.R.S. §§ 15-141(C) and 41-2831(H)(3); 20 U.S.C. § 1232g(b); 34 CFR § 99.31(a)(2)	School staff and educators may, under certain conditions, share student directory information with behavioral health service providers and, in an emergency or in response to a court order or subpoena, share educational records. 20 U.S.C. §§ 1232g(a), (b)	School staff and educators may, under certain conditions, share student directory information with CASAs and share educational records in response to a court order. 20 U.S.C. §§ 1232g(a), (b)	Schools may, under certain conditions, share student directory information with other schools, 20 U.S.C. §§ 1232g(a),(b). Schools must timely request and provide educational records of transfer students. A.R.S. § 15-828(F), (G); 20 U.S.C. §§ 1232g(b)(1)(B); 34 CFR § 99.31(a)(2)

State Agency and Service Provider Laws for Information Sharing

Arizona Department of Education/Schools

The Family and Educational Rights and Privacy Act (FERPA) is a federal law that protects the confidentiality of student education records. 20 U.S.C. § 1232g. Arizona law provides that the release of or access to student education records is governed by FERPA. A.R.S. § 15-141(A). Any record maintained by an educational agency that contains personally identifiable information that is directly related to the student is an education record under FERPA. In general, FERPA prohibits the disclosure or release of personally identifiable information from a student's education records unless the student's parent consents in writing or the release is specifically authorized by FERPA. When a student reaches the age of 18 or attends a school beyond the high school level, the consent required of the parent, transfers to the student. There are several important circumstances, however, under which schools and the Arizona Department of Education (ADE) may share information with agencies serving and supervising youth.

When may schools share education records with the Arizona Department of Juvenile Corrections?

A school district governing board must release to the Department of Juvenile Corrections all educational records relating to a pupil who is awarded to the Department of Juvenile Corrections. These records must be released within ten working days after the date the request is received. A.R.S. § 15-141(C).

When may schools share education records with the Juvenile Court?

The juvenile court may require a school district to provide the court with the education records of a juvenile who is accused of committing a delinquent or incorrigible act before the juvenile is adjudicated. The disclosure of the education records must comply with FERPA. A.R.S. § 15-141(D).

When may schools share education records with CPS Specialists, JPOs, Behavioral Health Services Providers and CASAs?

Some information in a student's education record is defined as directory information under FERPA. School staff may share, without parental consent, directory information such as a student's name, address, telephone number, date and place of birth, dates of attendance, and the most recent previous school attended by the student. However, the school may determine what it designates as directory information and the parents may exercise the option to restrict the school's release of directory information. 20 U.S.C. §§ 1232g(a)(5); 34 CFR § 99.37.

Schools do not need prior written parental consent to disclose education records to appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the student or other individuals. 20 U.S.C. § 1232g(b)(1)(I); 34 CFR § 99.36.

Schools disclose education records in order to comply with a court order or lawfully issued subpoena. When responding to a subpoena or court order, the school must make reasonable efforts to notify the

parent of the student before releasing the records. However, there may be possible exceptions to this notification requirement. 20 U.S.C. §§ 1232g(b)(1)(J)(ii), (b)(2)(B); 34 CFR § 99.31(a)(9).

When may ADE share education records with entities serving and supervising youth?

Education records may also include records kept by ADE in the form of student system databases, such as the Student Accountability Information System (SAIS). Student level data maintained by ADE in SAIS includes a student's name, date of birth, school(s) of attendance, and the name of the student's parent or guardian. Student level data maintained by ADE in SAIS does not include data elements related to student behavior, discipline, criminal history, medical history or family information not authorized by the parent or guardian of the pupil. A.R.S. § 15-1042(K). The disclosure of student level data elements compiled by ADE must comply with FERPA. A.R.S. § 15-1043.

ADE does not need prior written parental consent to release student level data to appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the student or other individuals. 20 U.S.C. § 1232g(b)(1)(I); 34 CFR § 99.36.

ADE may disclose student level data in order to comply with a court order or lawfully issued subpoena. When responding to a subpoena or court order, reasonable efforts must be made to notify the parent of the student before releasing the records. However, there may be possible exceptions to this notification requirement. 20 U.S.C. § 1232g(b)(1)(J)(ii), (b)(2)(B); 34 CFR § 99.31(a)(9).

Behavioral Health Services Providers

As a rule, behavioral health records and information are confidential and generally may not be disclosed. See A.R.S. §§ 36-501 and 509 and 12-2291-2294.01, and HIPAA regulations found at 45 C.F.R. §§ 160 and 164. A behavioral health services provider may always disclose its records and information about a client if the client has authorized such disclosure. For the requirements of such an authorization, see A.R.S. § 36-509(2), A.R.S. § 12-2294(B), and HIPAA regulations at 45 C.F.R. §§ 164.502 and 508. In addition, a behavioral health services provider may share records and information if such disclosure is authorized by court order or is needed by another health services provider for the purposes of diagnosis, treatment, or payment. A.R.S. §§ 36-501(A)(3) 12-2294(A) and HIPAA at 45 C.F.R. § 164.512.

What information may a behavioral health services provider share with members of the child's "Child and Family Team" (CFT)?

Arizona's model of behavioral health service provision to a child is based on a unique CFT. The CFT is a group of individuals whose primary function is to develop a comprehensive and unified service or treatment plan for the child. The CFT may include: the child; family members; health, mental health, or social service providers; Juvenile Probation Officers or ADJC representatives; or other persons who are not health, mental health, or social service providers. Under A.R.S. §§ 36-509(A)(1) and 12-2294(B)(1), (2) and 45 C.F.R. § 164.506, a behavioral health services provider may share information with members of the CFT who are health, mental health, or social service providers, provided the information is for treatment purposes. On the other hand, a behavioral health services provider may not disclose information to members of the CFT who are not health, mental health, or social service providers unless the child (or the child's health care decision maker) authorizes disclosure. The U.S. Office of Civil Rights within the Department of Health and Human Services has said that treatment can be liberally construed. If a CPS child is not living with a parent, the physical custodian

or CPS specialist are for most purposes the health care decision makers for that child. A.R.S. 8-514.05(C).

When may a behavioral health services provider share records and information with the child's juvenile probation officer?

If the juvenile probation officer is actively participating in the child's care, treatment, or supervision, a behavioral health services provider may share limited information if the child's treating doctor determines that the child's health care decision maker does not object to the disclosure. A.R.S. § 36-509(A)(7). Barring such objection, the behavioral health provider may disclose the child's diagnosis, prognosis, need for hospitalization, anticipated length of stay, discharge plan, medication, medication side effects and short-term and long-term treatment goals. Further, under A.R.S. § 36-509(A)(6) and HIPAA regulations found at 45 C.F.R. §§ 164.512, a behavioral health services provider is authorized to share limited behavioral health records and information with the child's juvenile probation officer for purposes of identifying or locating a suspect, fugitive, material witness, or missing person, to secure the return of an AWOL child, or to report a crime on the premises.

When may a behavioral health services provider share records and information with CASA volunteers?

Under HIPAA regulations, a behavioral health services provider may share information with a CASA volunteer, as a participant in a judicial proceeding, where such disclosure is authorized by court order (see 45 C.F.R. § 164.512).

Juvenile Probation Officers

One of the options for children who are adjudicated delinquent in Arizona is probation. Juvenile Probation in Arizona takes two forms: (1) Juvenile Intensive Probation Supervision (JIPS), and (2) Standard Probation Services.

JIPS is established pursuant to A.R.S. § 8-351, et seq. which seeks to reduce the number of commitments to the Arizona Department of Juvenile Corrections (ADJC) or other costly out-of-home placements. The program operates in all 15 counties. Emphasis is on surveillance, treatment, work, education and home detention. Since inception, more than 70 percent of juveniles in the program were diverted from ADJC.

Standard Probation Services provides funding to counties through A.R.S. § 12-261, et seq. for improving, maintaining or expanding juvenile probation services. These services promote public safety through effective community based supervision and enforcement of court orders, offering accurate and reliable information and affording juveniles opportunities to be accountable and initiate positive changes.

Juvenile Probation Officers are recommended by the director of juvenile court services with appointments approved and ordered by the presiding judge of the juvenile court.

When may the JPO share information with the DES/CPS worker?

The following juvenile court records are open to the public: (1) Referrals, after made to the juvenile court or diverted; (2) Arrest records; (3) Delinquency hearings; (4) Disposition hearings; (5) A

summary of delinquency, disposition and transfer hearings; (6) Revocation of probation hearings; (7) Appellate review; and (8) Diversion proceedings involving delinquent acts.

A juvenile probation officer may share the Legal File with the DES/CPS worker. The Legal File consists of "all pleadings, motions, minute entries, orders or other documents as the court may order." Further the Legal File "shall be open to public inspection without order of the court, except upon a finding by the court of a need to protect the welfare of the victim, another party or a clear public interest in confidentiality..." Rule 19, Rules of Procedure for the Juvenile Court.

On the other hand, the Social File is confidential and withheld from public inspection except upon order of the court. The Social File "...may consist of all social records, including diagnostic evaluations, psychiatric and psychological reports, treatment records, medical reports, social studies, child protective services records, police reports, predisposition reports, detention records, drug test results, parole reports, incidence reports, and records and reports or work product of the probation department for use by the court in formulating and implementing a rehabilitation plan for the juvenile and his or her family." Rule 19, Rules of Procedure for the Juvenile Court.

Juvenile Court records are open except for juvenile adoption, dependency, severance and other related proceedings. All information and records obtained in the course of evaluation, examination or treatment of juveniles who have been referred to a treatment program funded by the juvenile probation fund or the family counseling fund are confidential and shall not be released unless authorized by rule or court order. Rule 123(d)(1)(c).

When may the JPO share information with the Department of Juvenile Corrections?

The JPO and the juvenile court may share information with the Department of Juvenile Corrections when the court awards a juvenile to the Department of Juvenile Corrections. Upon issuing a commitment order, the court transmits copies of a diagnostic psychological evaluation and educational assessment if one has been administered, copies of the case report, all other psychological and medical reports, restitution orders, any request for post adjudication notice that has been submitted by a victim and any other documents or records pertaining to the case requested by the Department of Juvenile Corrections. Before commitment to the Department of Juvenile Corrections, every child is to be given a medical examination. Copies of records, examinations and evaluations shall be made of the findings of the medical examination and of any subsequent treatment and discharge. Copies of these records are to be included in the child's commitment papers. A.R.S. § 8-341(L) and A.R.S. § 8-342(B).

When may the JPO share information with CASA volunteers?

Typically, with the appointment of a CASA, the court will issue an order requiring release of all information pertaining to the child. With this statute and order, the JPO shares all information with the CASA volunteer. A special advocate shall have access to all documents and information regarding the child and the child's family without obtaining prior approval of the child, the child's family or the court. A.R.S. § 8-522 (F).

When may the JPO share information with the schools?

The court is required to notify the elementary or high school district in which a juvenile resides if that juvenile is adjudicated delinquent or is convicted of a dangerous offense (defined as "an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person."). A.R.S. § 8-350.

Juveniles who are subject to the supervision of a probation officer are required to attend school. Consultation with the school is required to determine the proper training or education level and to confirm that the juvenile is attending school regularly, maintaining appropriate behavior and satisfactory progress. Additionally, the school district of residence and the juvenile court may establish education, counseling or other programs in order to improve the behavior and educational performance of juveniles covered by this section. A.R.S. § 8-371 (Educational Rehabilitation).

Legal File information may be shared at all times with schools. Social File information sharing would be limited to that permitted by the Educational Rehabilitation statute (A.R.S. § 8-371) and the establishment of education, counseling or other programs to improve behavior and educational performance. Due to court rules, sharing of Social File information with schools is limited and would only be permissible when establishing education, counseling or other programs pursuant to A.R.S. § 8-371(D).

Absent these statutory provisions, schools would come under Rules of the Supreme Court, rule 123's Definition of "Public" and would require that they be "authorized by state or federal rule or law to inspect and copy closed court records."

Court Appointed Special Advocates

When may CASAs share information?

CASAs gather and provide independent, factual information to aid the court in making its decision regarding what is in the child's best interest and in determining if reasonable efforts have been made to prevent removal of the child from the child's home or to reunite the child with the child's family. CASAs provide advocacy to ensure that appropriate case planning and services are provided for the child. While CASAs have access to all documents and information regarding the child and the child's family, all records and information the special advocate acquires, reviews or produces are subject to limitations on disclosure described in A.R.S. § 41-1959(A).

CASAs with questions about disclosures allowed will consult the CASA county coordinator in the county where the CASA is appointed.

Child Protective Services Specialists

When and with whom may Child Protective Services Specialists (case manager) share information generally?

A request for information about a child who is the subject of a CPS investigation, who is receiving CPS services, or who is in CPS custody, requires consideration of the child's and his or her family's privacy rights based on state and federal laws that require CPS to keep personal information in CPS records confidential, and on the right of privacy guaranteed by Article 2 § 8 of the Arizona State Constitution. However, sharing of information is permissible in order to:

- facilitate protection of children through law enforcement and criminal prosecution of crimes involving child maltreatment;
- ensure care and treatment of children;
- provide services to families; and

- inform the public regarding the government's performance of its responsibilities and obligations to individuals and the public.

The confidentiality statute, A.R.S. § 8-807, specifically identifies governmental agencies, courts, county attorneys, schools, community services providers, and contract service providers as the types of entities and individuals who may obtain CPS information. As a general matter, information is shared if there is a reasonable need for the information in order to provide services to a minor or to the minor's parents or care provider, to enforce or prosecute violations of the law involving child abuse or neglect, or to help protect the child. "CPS information" generally includes all information about a child or family that the department gathers during an investigation, or during the period a case is open for services. CPS information includes not only the information and assessments created by a CPS Specialist, but also all of the data the Specialist receives from other sources.

When may CPS share information with the Juvenile Court?

Information is shared with other parties in a dependency or termination proceeding. When a child is a member of a recognized Indian tribe, or if one of the child's parents is a member and the child is eligible for membership, the state court proceeding will be subject to the Indian Child Welfare Act. In these cases, CPS can share information concerning the child and family with the child's Indian tribe. When the child also has been adjudicated delinquent or incorrigible, CPS will share information with the juvenile probation officer.

When a case is pending in juvenile court, even if the court opens the proceeding to the public, juvenile court rules require that CPS information learned by parties or others who participate in the court proceeding must be kept confidential (Rule 41, Rules of Procedure for the Juvenile Court). A violation of the rule will be deemed contempt of court. The Court's dependency file is not accessible to the public and can be reviewed only by court personnel, parties to the case, and their attorneys of record, and by others authorized to have access by statute, such as a CASA or confidential intermediary, or specific court order.

When may CPS share information with the Family Court?

CPS information will be shared with the domestic relations, family or conciliation court if the CPS information is necessary to promote the safety and well-being of children. The court notifies the parties when such information is received.

When may CPS share information with ADJC?

When a dually adjudicated youth is committed to the Arizona Department of Juvenile Corrections (ADJC), CPS information will be shared with ADJC for treatment and planning purposes. Information may be shared with ADJC when needed in order to plan for a youth who may be committed to ADJC, or when a youth is under community-based supervision and treatment by ADJC.

When may CPS share information with schools?

When a child is in out of home placement, CPS information necessary to ensure the child receives appropriate education services will be shared with a school. CPS Specialists and foster parents are authorized to share information required to allow a child or youth to participate in school activities. However, information about the child, his or her siblings, or other family members, which is not necessary to understanding or meeting the needs of the child will not be disclosed.

When may CPS share information with individuals or parents?

An individual, or the legal agent of an individual, can obtain CPS information about himself or herself. CPS information also can be shared with a parent, guardian, or custodian if the information is reasonably necessary to provide for the child's safety and well-being, unless a court order prevents access. Prospective foster or adoptive parents can be given information about a child to help them decide if they are able to provide a secure and appropriate home for that child. Behavioral health and medical treatment information and records concerning a child in CPS custody can be shared if there is a reasonable need for the information. When a child is in CPS' legal custody, the CPS Specialist will make a determination to share information when necessary, just as a parent would, and with the same concern for the child's and family's right to privacy.

What information may be shared with CASAs?

A Court Appointed Special Advocate (CASA) is authorized by statute (A.R.S. § 8-522) to gather and access all documents and information, including CPS information, regarding a child or the child's family, in order to aid the court in making decisions about what is in the child's best interests. CASAs are required to maintain the confidentiality of the records and information they obtain and review.

How do you obtain information that cannot be shared?

When CPS shares information as discussed above, certain types of information will not be disclosed, including information that would identify the source of a child abuse report or referral; information that would jeopardize the safety of a child, client, or any other person; or information that would compromise the integrity of an ongoing criminal or CPS investigation (A.R.S. § 8-807.J). If the requestor is not the type of individual or entity with whom CPS may share information pursuant to the confidentiality statute, the requestor may petition the court for access to the information. The judge will weigh and balance the need of the requestor for the information, against the privacy rights of the individual whose information is being sought. The court also balances possible harm to the child or family caused by release of CPS information against the anticipated benefit to the requestor (A.R.S. § 8-807.I).

Another way for a third party to obtain CPS information that otherwise cannot be shared for an authorized purpose is to obtain a proper written authorization or consent to release of information from the subject of the information. An example is a consent signed by the parent for release of behavioral health treatment information provided to, or a psychological evaluation of, that parent, or records of substance abuse assessment and treatment.

When CPS information is shared in order to provide services for a specific child, information about other members of the family or other information that is not subject to disclosure will be redacted. For example, criminal history information received by CPS, such as that received to evaluate a potential foster or adoptive placement for a child or youth, can be shared only with the court.

Juvenile Corrections Personnel

When and what information can ADJC share with ADES/CPS?

If a juvenile is a ward of CPS, and is adjudicated to ADJC, the CPS caseworker is entitled to receive the same information a parent or guardian would be entitled to receive. ADJC will include the CPS

caseworkers on clinical and treatment information, Continuous Case Plan (CCP) progress, multi-disciplinary team (MDT) meetings, and Conditional Liberty placement determinations.

In addition, the CPS caseworker for a juvenile may release information that would otherwise be confidential, for the purpose of providing treatment and rehabilitation to the juvenile. All information received by ADJC from CPS will be maintained as confidential, except in cases where it is pertinent to a criminal prosecution. A.R.S. § 41-1959(C).

When may ADJC share information with the JPO?

ADJC may share its legal file and, under certain circumstances, parts of its social file, with JPO.

When may ADJC share information with CASA volunteers?

ADJC may share information with CASAs with the approval of the child's parent or legal guardian, in an emergency or in response to a court order or subpoena

When may ADJC share information with the schools?

ADJC may share its legal file with schools and educators. Social file information will only be released with the approval of the child's parent or legal guardian, in response to a court order or subpoena.

When may ADJC share information with individuals or parents?

ADJC may share its legal file with individuals (members of the public) upon written request. Social file information will only be released with the approval of the child's parent or legal guardian, in response to a court order or subpoena.

ADJC will share information with the parent upon request. Parents are entitled to have access to documents and other information concerning their child's education and physical, mental, moral and emotional health including medical, school, police, court and other records. (HIV and sexually transmitted disease status requires permission of the child).

When may ADJC share information with Behavioral Health Service Providers?

ADJC may share information with behavioral health service providers with the approval of the child's parent or legal guardian, in an emergency (A.R.S. § 41-2805) or in response to a court order or subpoena.

State Governmental Entities Providing Services to Dually Involved Youth

Arizona Department of Economic Security Division of Children, Youth and Families/Child Protective Services (CPS)

The Child Protective Services Specialist (case manager) is responsible for the development and monitoring of case plans for children, youth and families involved with Child Protective Services, whether they be court involved or services only cases. Developing the case plan includes the coordination and assimilation of assessments, evaluative recommendations and services available or provided through other service systems (i.e. DDD, Behavioral/Mental Health, and Juvenile Justice).

In situations where a youth is adjudicated dependent, removed from home and placed into the custody of the Department, the CPS Specialist will arrange for an appropriate out-of-home placement and an array of services designed to facilitate attainment of the assigned permanency goal. The permanency goal is determined by the Service Team, which is composed of the parents, child/youth, case manager, service providers, extended family or other supportive persons identified by the family. If the youth is dually adjudicated, the assigned Probation or Parole Officer (or other staff person responsible for service planning and supervision) is added to the Service Team and involved in decision-making around placement and other service needs until such time that the youth is released from their supervision.

The primary permanency goal pursued by the Department (CPS) is Reunification. When reunification is not likely due to a parent's inability or unwillingness to resolve existing safety issues, another permanency goal will be pursued. Oftentimes, a concurrent permanency goal (i.e., permanent placement with a relative) will be established due to circumstances in the case which make reunification unlikely. Once a youth has been in out of home care 15 of the most recent 22 months, an evaluation of the likelihood of reunification must occur and, if the prognosis for such is "poor," another permanency goal is established (i.e., Adoption, Guardianship or Independent Living, aka "Another Permanent Planned Living Arrangement or APPLA").

Youth who are adjudicated delinquent and committed to the Arizona Department of Juvenile Corrections are typically placed into a secure "behind the fence" setting. During the time the youth is in this setting, the CPS Specialist is responsible for monitoring the youth's progress through monthly visits, monthly communication with the assigned ADJC staff, and participation in ADJC facilitated transitional planning meetings. The CPS Specialist will work cooperatively with the ADJC, the youth's family and other service team members to plan for the youth's transition back into the community. The ADJC Parole Officer will remain a part of the Service Team until such time as the youth is released from ADJC supervision.

Arizona Department of Education

The three divisions within the Arizona Department of Education that deal directly with agencies for adjudicated youth or youth who are in contact with the juvenile justice system are listed below. In addition, divisions within the agency such as Title II (Teacher Certification), GED, Homeless Education, etc., do provide information and supporting services.

Title I

Under Academic Achievement, No Child Left Behind, Title I, Part D-Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent or At-Risk, Sub Part 1 and 2 The Arizona Department of Education funds three state agencies and ten Local Education Agencies (LEAs). Sub Part 1 includes the Arizona Department of Corrections, the Arizona Department of Juvenile Corrections, and the Arizona Supreme Court, which includes all county detention juvenile facilities. Sub Part 2 includes ten LEAs or Local Education Agencies which are funded for students within or returning from the juvenile justice system under a three year cycle competitive grant. In addition, a one year, 2007-08, non-renewable competitive grant has been established under Title I-D, Sub Part 2, for transitioning students from programs in institutions. The focus for all programs is on academic achievement, graduation, and career or technical programs.

The Title I-D, Education Specialist, coordinates and provides technical assistance for education plans, highly qualified personnel, best practices, and data collection. Programs are monitored for professional development, funding, and student transitioning. A consortium for Part 2 LEAs is provided quarterly for professional development by the Coordinator for Neglected and Delinquent. Partnerships have been formed with the Maryvale Education Committee, the Child Protective Services In-Home Unit for Maricopa County, and the Alternative Education Advisory Board.

Exceptional Student Services (ESS)

The second division providing services is ESS, which employs education specialists who focus on special education services for students who are instructed in the secure care setting. They work to ensure that these students receive the appropriate special services as specified in their Individual Education Plans. Additionally, ADE ESS created and funds training for the Merging Two Worlds curriculum for use in secure care schools. This curriculum helps students learn the skills they need to successfully transition back to their home school and community.

Career and Technical Education (CTE)

The third division providing services is CTE, whose vision is to ensure a dynamic workforce by fully developing every student's career and academic potential while preparing Arizona students for workforce success and continuous learning. Arizona CTE has partnered with the Arizona Department of Juvenile Corrections to help fund Career and Technical Education Programs such as automotive technologies, construction technologies, culinary arts, and information technology. The ADJC is the last resort for juvenile offenders in the state where a significant number of the youth have been homeless, living on the streets or with friends and/or come from extremely unstable home environments. The focus of the ADJC on Education has shifted to emphasizing a more "hands on" approach to learning through CTE. In all CTE classes, teachers integrate Reading, Math and Language skills with content and job skill training. The CTE Division within ADE provides technical assistance and professional development to the instructors so that the programs within the ADJC are successful and provide these young adults with skills and opportunities that they may not have otherwise.

Arizona Department of Juvenile Corrections

The Arizona Department of Juvenile Corrections (ADJC) is responsible for juveniles adjudicated delinquent and committed to its jurisdiction by the county juvenile courts. ADJC enhances public protection by changing the delinquent thinking and behaviors of juvenile offenders committed to the Department. ADJC operates and maintains four secure care facilities, also known as safe schools (Adobe Mountain, Black Canyon, Catalina Mountain, and Eagle Point Schools). Three of the safe schools are designated for males and one safe school is designated for females. ADJC operates Community Resource Offices and is also responsible for youth on parole in the community and on Interstate Compact.

Within the first 21 days of commitment, all juveniles are assessed through the Reception, Assessment and Classification (RAC) Process. These assessments identify a youth's treatment, behavioral and medical health and educational needs. This information forms the basis for the juvenile's Continuous Case Plan (CCP) with goals and objectives to address the needs of the youth.

The System for Change process outlines a stage progression for youth to achieve competencies and expectations. This process is important in a youth's Continuous Case Plan work both in the facility and the community. In addition, treatment groups and specialized housing units focus on intensive work with youth with histories of substance dependence, mental health or sexual offenses.

ADJC has the discretion to keep a juvenile beyond the minimum court-ordered date until he/she has completed their treatment plan or until their 18th birthday. Following release from secure care, youth under the age of 18 return to the community on Conditional Release which is commonly referred to as parole. Each youth has a parole officer who helps develop the youth's Continuous Case Plan in Secure Care and monitors the plan in the community. The case plan spells out the youth's community treatment, education, and/or work programs according to the individuals needs.

An agreement made with the Administrative Office of the Court, memorialized as required that County Courts provide records and information to ADJC for a youth who, while under County supervision, is adjudicated to the ADJC. The records include items such as medical and psychological reports, criminal history, education and family status and other pertinent documents.

Arizona Department of Health Services/ Division of Behavioral Health Services

The Arizona Department of Health Services/Division of Behavioral Health Services (ADHS/DBHS) serves as the single state authority to provide coordination, planning, administration, regulation and monitoring of all facets of the state public behavioral health system. ADHS/DBHS is responsible for implementing the State's publicly funded behavioral health service system. The system provides services to both Federally eligible Title XIX and Title XXI of the Social Security Act and non-TXIX populations. ADHS/DBHS contracts with community based organizations, known as Regional Behavioral Health Authority (RBHAs), to administer behavioral health services throughout the State.

The State is divided into six geographical service areas (GSAs) served by the Regional Behavioral Health Authorities (RBHAs).

Magellan serves Maricopa County

Community Partnership of Southern Arizona (CPSA) serves Pima, Graham, Greenlee, Santa Cruz & Cochise Counties

Northern Arizona Behavioral Health Authority (NARBHA) serves Mohave, Coconino, Apache, Navajo, and Yavapai Counties

Cenpatico Behavioral Health of Arizona serves Pinal, Gila, Yuma and La Paz Counties

RBHAs contract with a network of service providers to deliver a full range of behavioral health care services, including prevention programs for adults and children, a full continuum of services for adults and children with substance abuse and general mental health disorders, adults with serious mental health illness, and children with serious emotional disturbance.

In addition to RBHAs, ADHS/DBHS has Intergovernmental Agreements (IGAs) with some of Arizona's American Indian Tribes to deliver behavioral health services to persons living on the reservation. Gila River Indian Community, Navajo Nation, Pascua Yaqui Tribe and the White Mountain Apache Tribe of Arizona each have an IGA for both Title XIX (Medicaid) and State Subvention Services. Colorado River Indian Tribe has an IGA for State Subvention Services. Services to other Native American Indian Tribes are provided and covered by the local RBHA in which the tribal reservation resides.

Goals of the Arizona Department of Health Services:

- 1) To promote and protect the health of Arizona's children and adults;
- 2) To ensure a comprehensive, unified behavioral health system for Arizonans;
- 3) To ensure the health and safety of all Arizonans through a comprehensive system of licensing, monitoring and technical assistance; and
- 4) To deliver courteous, efficient, responsive and cost effective service to ADHS external and internal customers, stakeholders and key policymakers.

Arizona Judicial Department

In Arizona, judicial power is vested in an integrated judicial department consisting of a Supreme Court, such intermediate appellate courts as may be provided by law, a superior court, such courts inferior to the superior court as may be provided by law, and justice courts.

By statute, the juvenile court has original jurisdiction over all delinquency proceedings brought under Title 8, the portion of the Arizona Revised Statutes pertaining to Children. Arizona has a superior court in each of the fifteen counties. Juvenile court is a part of the superior court. The presiding judge of the juvenile court in each county appoints a director of juvenile court services. That director in turn appoints deputy probation officers and other staff.

A delinquency petition initiates the formal court hearing process in juvenile court and is prepared by the county attorney. A petition is a legal document alleging that a referred juvenile is a delinquent or incorrigible. A youth, under the age of 18, has committed a delinquent act if that same act committed by an adult would be a criminal offense.

Standard Probation

A possible outcome for a delinquency petition is placement of the juvenile on probation. Juveniles placed on probation must comply with specific terms and conditions. The core tenets of juvenile probation are: protection of the community, the belief that youth can make positive changes in their behavior, fostering law-abiding behavior, restitution to victims and society for the wrongs committed against them, preservation of the best interest of the child, and stability of the family unit. Typically

the standard terms and conditions include scheduled contacts with a probation officer, maintaining law abiding behavior, and paying restitution to the victim. Additional terms may also be imposed depending on individual juvenile needs, such as: mandatory drug testing, curfew, school attendance, community service hours, letters of apology, attendance at counseling or treatment sessions, and restrictions on acquaintances.

Once a juvenile has been placed on probation, the juvenile probation officer monitors the juvenile's compliance with the terms and conditions of probation. The probation officer works closely with the juvenile and their family as well as members of the community including teachers, victims, treatment providers and others involved in the life of the juvenile and their family.

Juvenile Intensive Probation Supervision (JIPS)

Juvenile Intensive Probation Supervision (JIPS) is a sentencing consequence used by the juvenile court judges for youth who are in need of a higher level of supervision and a highly structured program. The intent of the 1987 legislation creating the program was to allow juvenile delinquents to remain at home under increased supervision and structure rather than be placed in either a residential treatment facility or the Arizona Department of Juvenile Corrections (ADJC). JIPS differs from standard probation in the increased frequency of face to face contacts between the juvenile and the JIPS officer, the requirement to actively participate in 32 hours of structured activities per week, the liberty restrictions concerning unsupervised time out of the home, the frequency of drug testing on demand, and the lower caseload ratio.

Court Appointed Special Advocates (CASA)

The Court Appointed Special Advocate Program was established by Arizona statute to provide specially trained community volunteers to advocate for children who are wards of the court. The presiding judge of the juvenile court in each county may appoint an adult as a special advocate for a child who is the subject of a dependency action. The Arizona Supreme Court certifies special advocates pursuant to rules adopted by the supreme court. The appointment of the special advocate continues until the court relieves the advocate of the advocate's responsibilities or until the court dismisses the action before it.

The CASA meets with the child and advocates for the child's safety as the first priority. The CASA also gathers and provides independent, factual information to aid the court in making its decision regarding what is in the child's best interest and in determining if reasonable efforts have been made to prevent removal of the child from the child's home or to reunite the child with the child's family. The CASA also provides advocacy to ensure that appropriate case planning and services are provided for the child. The CASAs provide written court reports to the judge for all Report and Review and Permanency hearings. CASAs also attend Foster Care Review Board meetings to update them on the progress of the case.

The Arizona CASA Program administers fifteen county CASA programs throughout Arizona. The county programs recruit, train, and supervise the CASA volunteers.

Acronyms Listing

ADE	Arizona Department of Education
ADJC	Arizona Department of Juvenile Corrections
AG	Attorney General
AHCCCS	Arizona Health Care Cost Containment System
AOC	Arizona Supreme Court, Administrative Office of the Courts
A.R.S.	Arizona Revised Statutes
CASA	Court Appointed Special Advocate
CFR	Code of Federal Regulations
CFT	Child and Family Team
CPS	Child Protective Services (DES)
CTE	Career and Technical Education
DCYF	Division of Children, Youth and Families (DES)
DDD	Division of Developmentally Disabled
DES	Department of Economic Security
DHS	Department of Health Services
DHS/DBHS	Department of Health Services/Behavioral Health Services
DOA	Department of Administration
ESS	Exceptional Student Services
FERPA	Family Educational Rights and Privacy Act
GAL	Guardian ad Litem
HIPAA	Health Insurance Portability and Accountability Act
IEP	Individual Education Plan
JIPS	Juvenile Intensive Probation Services
JPO	Juvenile Probation Officer (County Probation)
RBHA	Regional Behavior Health Authority
PO	Parole Officer (ADJC)
U.S.C.	United States Code
YPO III	Youth Program Officer-Case Manager

Information Sharing and Confidentiality

Arizona State Statutes

- Dangerous offenders; sex offenders; notification to schools; definition, A.R.S. § 8-350
- Educational rehabilitation for youth subject to juvenile probation supervision or ADJC commitment A.R.S. § 8-371
- Dependency actions; special advocate; appointment; duties; immunity A.R.S. § 8-522, 522(F)
- CPS information; public record; use; confidentiality; violation; classification; definitions A.R.S. § 8-807
- Education records; injunction; special action A.R.S. § 15-141(A)(C)(D)
- Time line; student level data; definition A.R.S. § 15-1042(K)
- Definitions A.R.S. § 36-501, 501(A)(3)
- Confidential records A.R.S. § 36-509, 509 (A)(7), 509(2)
- Definitions A.R.S. § 12-2291
- Confidentiality of medical records and payment records A.R.S. § 12-2292
- Release of medical records and payment records to patients and health care decision makers; definition A.R.S. § 12-2293
- Release of medical records and payment records to third parties A.R.S. § 12-2294(A), 2294(B)
- Release of medical records or payment records to third parties pursuant to subpoena A.R.S. § 12-2294.01
- Persons under eighteen years of age; felony charging; definitions A.R.S. § 13-501
- Confidential information; permissible disclosure; rules; violation; classification A.R.S. § 41-1959

You can find any of these state statutes at <http://azleg.state.az.us>

Federal Laws

- Adoption and Safe Families Act (ASFA), 42 U.S.C § 629(b), P.L. 105-89
- Child Abuse Prevention and Treatment Act (CAPTA), 42 U.S.C.§5101, et seq.
- Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, 34 CFR § 99
- Health Insurance Portability and Accountability Act (HIPAA), 42 U.S.C. § 1320d-1320d-8, 45 CFR § 160, 164
- Alcohol and Drug Abuse Patient Records, 42 U.S.C. § 290dd-3 and 42 U.S.C. § 290ee-3, 42 CFR, Part 2

You can find any of these federal regulations at <http://cfr.law.cornell.edu/cfr/>

Resources

Governors Office for Children Youth and Families
<http://gocyf.az.gov/>

Arizona Department of Economic Security
<http://www.azdes.gov/ASPNew/default.asp>

Arizona Department of Education
www.ade.state.az.us

Arizona Department of Health Services
<http://www.azdhs.gov/>

Arizona Department of Juvenile Corrections
<http://www.azdjcc.gov/>

Administrative Office of the Courts/Juvenile Justice Service Division
<http://www.supreme.state.az.us/jjsd/JJSDInfo/PresidingJudges.htm>

Arizona Statutes
<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>

Children's Action Alliance
<http://www.azchildren.org/>

Children's Services Manual
<http://www.azdes.gov/dcyf/cmdps/cps/Policy/PolicyManual.htm>

Family Policy Compliance Office (FPCO) at U.S. Department of Education
www.ed.gov/policy/gen/guid/fpc/index.html

FERPA information
http://nces.ed.gov/forum/ferpa_links.asp

STATE OF ARIZONA SYSTEMS INTEGRATION INITIATIVE
A PROJECT OF
THE ARIZONA JUVENILE JUSTICE COMMISSION
AND
**THE GOVERNOR'S OFFICE FOR
CHILDREN, YOUTH AND FAMILIES**

In Partnership with

ATTORNEY GENERAL'S OFFICE
DEPARTMENT OF ECONOMIC SECURITY
DEPARTMENT OF HEALTH SERVICES
DEPARTMENT OF JUVENILE CORRECTIONS
ADMINISTRATIVE OFFICE OF THE COURTS

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