

## CROSSOVER YOUTH INFORMATION SHARING

### DRAFT STUDY PLAN

#### Study Mandate

- The General Assembly and the Governor approved Senate Bill 1206 (Barker) introduced during the 2021 Session. This legislation's second enactment clause directs:
  - The Virginia Commission on Youth shall convene a work group to include representatives from the Department of Juvenile Justice, the Department of Social Services, the Department of Behavioral Health and Developmental Services, the Department of Education, youth and families with lived experience in the juvenile justice and child welfare systems, representatives of Virginia juvenile justice advocacy groups, representatives of local public defender offices, and representatives from other relevant state or local entities. The work group shall review current data and record sharing provisions with regard to youth served by the juvenile justice and child welfare systems and make recommendations on best practices for the sharing, collection, and use of such data and records while respecting the privacy interests of youth and families. The work group shall report its findings and recommendations to the Governor and the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by November 1, 2021.

#### Background

- Senate Bill 1206, passed in 2021, amends § 16.1-300 of the *Code of Virginia*. This bill gives permission to inspect the juvenile court service unit records and Department of Juvenile Justice records to the Department of Social Services or any local department of social services that is providing services or care for, or has accepted a referral for family assessment or investigation regarding a juvenile who is subject to the record. This new amended section also permits the Department of Behavioral Health and Developmental Services and local community services boards to request the inspection of these records.
- Under this newly amended section, record information sharing is permissible when these local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such juveniles.
- Additionally, the new code section language states that prior to making any report or record open for inspection, the court service unit or Department of Juvenile Justice shall determine which reports or records are relevant to the treatment, services, or care of such juvenile and shall limit such inspection to such relevant reports or records.
- Senate Bill 1206 tasks the Commission on Youth to form a work group and take a global look at Virginia's data and record sharing provisions and make recommendations on best practices on such data's use while protecting privacy.

**Study Activities**

- Review and analyze laws, policies, and procedures related to the following:
  - Virginia Statutory Provisions on Confidentiality of Juvenile Records
  - Federal Educational Rights and Privacy Act (FERPA)
  - State and Federal Freedom of Information Act
  - Health Insurance Portability and Accountability Act (HIPAA)
  - Confidentiality of Substance Use Disorder Patient Records, 42 C.F.R. Part 2
- Conduct background and literature reviews:
  - Crossover youth information sharing laws and regulations in other states
  - Center for Juvenile Justice Reform – Crossover Youth Practice Model
  - Other available literature on information sharing
- Convene a Work Group of impacted stakeholders:
  - Commonwealth’s Attorneys
  - Community Services Boards
  - Court Services Units
  - Department of Behavioral Health and Developmental Services
  - Department of Education
  - Department of Juvenile Justice
  - Department of Social Services
  - Division of Legislative Services
  - Legal Aid Justice Center
  - Local Departments of Social Services
  - Public Defenders
  - Virginia League of Social Services Executives
  - Virginia Poverty Law Center
  - Virginia’s Court Improvement Program – Supreme Court of Virginia
  - Youth and Families
- Present findings and recommendations to the Commission on Youth.
- Receive public comment.
- Prepare final report.