



VIRGINIA COMMISSION ON YOUTH

Meeting Minutes

Work Group: Crossover Youth Information-sharing

June 21, 2021, 9:30 a.m. to 11:30 a.m.

(virtual meeting)

Attending:

Senator George Barker, Tricia Bassing, Delegate Rob Bell, Gena Berger, Bob Birmingham, Valerie Boykin, Sonnja Brown, Gretchen Brown, Laurie Cooper, Noah Hamric, Valerie L'Herrou, Senator Dave Marsden, Mia McCoy, Olymphia Perkins, Alison Powers, Charles Quagliato, Eric Reynolds

Guests Attending:

Doug Brown, Mike Mackey, Greta Rosensweig

Staff Attending:

Amy Atkinson, Will Egen

I. Welcome and Introductions

The Honorable Dave W. Marsden, Senator, Senate of Virginia

Senator Marsden welcomed the work group and the public to the meeting. Senator Marsden had the members of the work group introduce themselves. Senator Marsden then noted that due to the active state of emergency, this meeting is convening virtually, pursuant to Item 4-0.01 of the 2020 Appropriation Act. The Commission meeting is streaming for the public to view via the Virginia Senate streaming site.

II. Work Group Draft Recommendations Roundtable Discussion

- Guidance on Information Sharing
- Create Model Memorandum of Understanding
- Training
- Other Issues Presented

Senator Marsden started the conversation by introducing Will Egen, Commission on Youth staff member. Mr. Egen went through the draft recommendations and

highlighted comments from work group stakeholders on the draft recommendations. Mr. Egen noted that these draft recommendations can be accessed by the public on the Commission's webpage under the meetings tab. The draft recommendations reviewed at the meeting were as follows:

Recommendation 1

Request the Department of Juvenile Justice, Department of Social Services, and the Department of Behavioral Health and Developmental Services, respectively, to create guidance on youth information sharing for use at the state level and for dissemination and use at the courts service units, local departments of social services, and community services boards.

This guidance on information sharing should focus on, but not be limited to, detailing what information is to be collected and maintained by the department and local agencies, clarifying permissible reasons to share information, reasons to request information, the process for how information is to be shared, steps in place to protect information, procedures for obtaining informed consent, the statutory requirements from the federal as well as state government that controls the dissemination of information in the Department's possession, and steps to ensure staff is properly trained on information sharing protocols.

Guidance should incorporate guidelines from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) [Guidelines for Juvenile Information Sharing](#) and the [Models for Change Information Sharing Toolkit](#).

Guidance shall be open for comment on the Virginia Regulatory Town Hall public comment forum and once implemented at the state department and local level be made available to the public on their websites.

Recommendation 2

Request the Department of Juvenile Justice, Department of Social Services, and the Department of Behavioral Health and Developmental Services to form an interagency work group to create a model memorandum of understanding (MOU) on youth information sharing that should include, but not be limited to, who has access to, a listing of the information that will be shared, reasons for use of shared information, privacy policies and any individual or parent/guardian notification requirements, and steps to be used to keep the information secure. This model MOU shall be disseminated to local agencies for their adaptation and use.

Recommendation 3

Request local departments of social services, court service units, and community services boards to include in their initial employee and ongoing training for their workers a course on youth information sharing. Topics should include, but are not limited to, state and federal confidentiality laws, protocols for safe guarding data, and procedures on informed consent to release information.

Recommendation 3b (based on comment feedback)

Clarify in recommendation 3 that initial and ongoing training be developed and provided by the state agencies.

Recommendation 4

Request local departments of social services, court service units, and community services boards to conduct recurring cross-agency training on information sharing as a way to learn about other agency's protocols and revisit and discuss shared MOUs.

Recommendation 5

Issue Presented: Can DJJ/CSU get information about prior or ongoing youth involvement with DSS from a local department of social services at the juvenile's initial point of contact with the CSU (at intake)? This idea was raised at the last meeting as a way to promote diversion planning.

The following Code section, § 63.2-105, allows for information to be shared "to a person having a legitimate interest when in the judgment of the local department such disclosure is in the best interest of the child who is the subject of the records." This Code section also details a non-exclusive list of persons having a legitimate interest. An excerpt of this Code section is below.

A question for the work group. Does Code [§ 63.2-105](#) need to be amended?

Recommendation 6

Request the Office of the Secretary of Health and Human Resources and Secretary of Public Safety and Homeland Security to work together to assess the cost and feasibility of creating a central database for use by departments in identifying crossover youth status at the initial contact point with an agency for purposes of service delivery.

Recommendation 7

Request the Department of Juvenile Justice (DJJ) to conduct a study using Virginia

Longitudinal Data Systems (VLDS) data to analyze the crossover youth population in Virginia. The Department of Juvenile Justice shall work with the Department of Social Services and other relevant VLDS member state agencies on this study.

The Department of Juvenile Justice shall identify and interpret demographic data and available and relevant outcomes data on the crossover youth population. Additionally, DJJ shall make recommendations on how to improve the collection, sharing, and analysis of de-identified data based on this study. The Department of Juvenile Justice shall report back its findings and recommendations to the Virginia Commission on Youth by November 1, 2022.

Recommendation 8

Request the Department of Social Services in its next Annual Progress and Services Report (APSR) Child Abuse Prevention and Treatment Act (CAPTA) Plan Update to include a section on its work: “supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;” ([CAPTA Section 106\(a\)\(12\)](#)).

The above quoted language is one of the purposes CAPTA lists for its grant to states under the law.

Recommendation 9

Request as a part of this study’s final report on crossover youth information sharing, that the Commission on Youth develop a list of resources on crossover youth information sharing and disseminate it to relevant stakeholders.

Recommendation 10

Request the Commission on Youth to conduct a study in 2022 to look at how youth who are being provided services in the school, including mental health services, can be better supported as they transition to adulthood. This study should look at ways that the Community Services Boards can work with the transitioning student and family and the local education agency.

Discussion

After explaining the ten draft recommendations, Mr. Egen shared two recommendations suggested by the Alexandria/CJJR team. He concluded his comments by stating some concerns about information sharing from Valerie L’Herrou, Virginia Poverty Law Center.

Following the rundown of the draft recommendations, the work group revisited all of the recommendations one by one. The group spent a number of minutes discussing draft recommendation number two on a model memorandum of understanding (MOU). Through the discussion process, and by the direction of the chair, it was proposed that in order to address this recommendation, Commission staff will work with a few of the work group stakeholders to tighten up the *Code* by coming up with draft legislation on standards regarding information sharing. Additionally, Commission staff will work with the Division of Legislative Services on drafting any necessary legislative mandate to create the model MOU.

Commission staff will circulate any proposed draft legislation to the work group for feedback.

III. Next Steps and Adjournment

Senator Marsden told the group that the next Commission on Youth meeting would be on September 20, at 1 p.m. At this meeting, draft recommendations from this study will go out for public comment. Then at the Commission's October 19, at 1 p.m. meeting the proposed draft recommendations will be discussed and voted on.

The meeting adjourned at 11:18 a.m.

The video of this meeting can be found at the following link: [Meeting Video Archive](#).