

FINAL CONSULTANT REPORT
TASK ORDER: SD-05-209-FG-0762
July – October, 2006

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I was privileged to be the representative for South Dakota's effort to **develop draft legislation that would enhance disclosure and re-disclosure of information between the child welfare (specifically, child protective services) and juvenile justice systems and comply with the provisions of the re-authorized Juvenile Justice and Delinquency Prevention Act of 2002** regarding the incorporation of child protective services records into the juvenile justice system at the point of disposition and for the purposes of effective case planning and case management. This work emanated from a technical assistance request from the South Dakota Department of Corrections (SD DOC) for a representative of the Child Welfare League of America (CWLA) to conduct a legal and policy analysis of federal and state statutes "**regarding the exchange of information on child welfare records across systems.**" The OJJDP TA task order further specified that the contractor (CWLA) would make three on-site visits and conduct telephone and electronic communication during the project to produce draft legislation regarding information sharing across systems.

I began my work with the SD DOC by conducting a conference call and advising on the re-staffing of an earlier committee that had tried but failed to reach consensus on draft legislation that would address the issue. As a result, a newly formed committee was constituted and renamed the SD Juvenile Justice Records Committee (SD JJRC). A purpose, mission statement, and work plan/time line for task completion was the first order of the committee and is attached to this report. The committee membership is also represented as an attachment to this final report. This committee met in-person on four occasions. OJJDP funds were used, per the contractual agreement, to support three of those visits by the CWLA representative. CWLA also sub-contracted with an expert in the field (Madelyn Freundlich, Excal Consulting, Inc.) to utilize the CWLA developed template for the conduct of a legal and policy analysis (an electronic copy of the results of that analysis is attached). The three OJJDP sponsored meetings resulted in the SD JJRC meeting on July 6, 2006 (Pierre, SD); August 8, 2006 (Pierre, SD); and September 28, 2006 (Chamberlain, SD). Two conference calls were also convened, the last of which occurred on October 5, 2006 for the purpose of reviewing the final draft legislation developed by the SD JJRC.

Throughout the project period, I worked with Jodi Kirschenman, SD DOC Juvenile Justice Specialist, to formulate agendas, provide reference materials, and answer questions prior to and following on-site meetings. During the on-site meetings, I partnered with Kevin McClain, SD DOC to co-facilitate the proceedings and provide examples of solutions to specific issues that had been addressed by other jurisdictions that might further the development of the draft legislation. The electronically attached

document resulting from the legal analysis, entitled *South Dakota Codified Laws Regarding Confidentiality and Information Sharing* was completed prior to the July meetings and was used throughout the process to guide discussion and answer questions regarding federal and state statute.

The **final draft** of the legislation, endorsed by consensus of the SD JJRC, has been submitted to the SD Council of Juvenile Services (October 2006) for approval. It is the hope of the SD JJRC that the legislation will be ready for consideration during the 2007 legislative session. After the final iteration is approved, a copy will be provided for review and use by other states as a guide in addressing this difficult issue.

While there were many difficult issues that confront this kind of multi-system collaborative effort, there were no problems in delivering this technical assistance. Kevin McLain and Jodi Kirschenman of the SD DOC were tremendous in support of this ground breaking effort. The SD JJRC committee members were committed, informed and equally as outstanding in bringing their expertise and perspectives to the work of the project.

Within the scope of services description for this project, language was included that enumerated responsibility for SD to “share this finished product with other states to help them develop similar legislation.” The comprehensive and exhaustive approach of the SD JJRC, including language within the draft statute to address exchange of information at multiple key decision points within the juvenile justice system, will indeed serve as a model for other states.