

Juvenile Justice Records Committee

A subcommittee of the South Dakota Council of Juvenile Services

1. Mission

Consistent with federal and state confidentiality requirements and keeping with the best interests of the child, the mission of the Juvenile Justice Records Committee is to ensure appropriate information sharing between agencies and individuals to aid in the appropriate placement and delivery of services to children and families involved in South Dakota's child protection and juvenile justice systems.

2. Membership

Janine Kern, Circuit Court Judge – 7th Circuit Unified Judicial System, Rapid City
Max Gors, Circuit Court Judge – 6th Circuit Unified Judicial System, Pierre
Kristi Bunkers, Director of Classification/Community Svcs, DOC Juvenile Division, Sioux Falls
Dave Nelson, Minnehaha County State's Attorney, State's Attorneys Office, Sioux Falls
Pam Tiede, Minnehaha County Deputy State's Attorney, State's Attorneys Office, Sioux Falls
Merlin Weyer, Assistant Division Director, DSS Child Protection Services, Pierre
Jeremy Lund, Special Assistant Attorney General, DSS/Division of Legal Services, Pierre
Nancy Allard, Director of Trial Court Services, Unified Judicial System, Pierre
Cynthia Howard, Attorney, Minnehaha County - Office of The Public Advocate, Sioux Falls
Bill Smith, Director of Instructional Support Services, Sioux Falls School District, Sioux Falls

3. Staff and Technical Assistance Resources

3.1. Staff Resources

Kevin McLain, Department of Corrections, Director of Grants and Research,
Pierre

Jodi Kirschenman, Department of Corrections, Juvenile Justice Specialist,
Sioux Falls

3.2. Technical Assistance Providers

John Tuell, Director of Child Welfare & Juvenile Justice Systems Integration Initiative and the Juvenile Justice Division, Child Welfare League of America, Washington, DC

Madelyn Freundlich, MSW, MPH, JD, LL.M, Excal Consulting Partners LLC, New York, NY

4. Federal Act Requirements for Child Protection Records

The Committee was initially formed to address the child welfare records requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. Applicable provisions of the Act are as follows:

42 U.S.C. 5633 **[Sec. 223.] State plans**

(a) Requirements

In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, projects, and activities. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

Share Public Child Welfare Records with the Courts in the Juvenile Justice System

(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;

Establish policies and systems to incorporate relevant Child Protective Services Records into Juvenile Justice records

(27) establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders; and

(28) provide assurances that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675).

5. Other Considerations

While the primary goal of the Committee is to develop recommendations to address the record sharing requirements of the Act, the Committee will also attempt to identify other

opportunities to improve records sharing between individuals and agencies working with children and families in the child protection and juvenile justice systems in South Dakota.

It is hoped that by addressing the information sharing barriers between agencies and individuals working in the child protection and juvenile justice systems, increased collaboration will occur that leads to improved service provision and outcomes for children and families.

6. Workplan

The following is a draft workplan developed by staff following the April 27, 2006 meeting of the Committee and Technical Assistance Provider:

- 6.1. Initial Technical Assistance site visit and meeting with the Juvenile Justice Records Committee.
(April 2006)
- 6.2. Technical Assistance Providers conduct legal analysis of South Dakota statutes and case law.
(May-June 2006)
- 6.3. Legal Analysis is presented to Juvenile Justice Records Committee. (July 2006)
- 6.4. Committee utilizes Legal Analysis to develop recommendations and draft legislation, inter-agency agreements or policies/procedures, which would address the records requirement and other information sharing improvements (July – August 2006).
- 6.5. Draft legislation, inter-agency agreements and/or policies or procedures are shared with a focus group or regional groups and federal agencies to gather input on the draft materials (September 2006).
- 6.6. Committee utilizes input to finalize recommendations and materials for the Council of Juvenile Services and affected agencies (October 2006).
- 6.7. If legislation is a product of the process, the Department of Corrections and/or the Department of Social Services will submit the draft legislation for consideration in the Executive Branch legislation development process (November 2006).
- 6.8. If legislation is a product of the process and is approved for submission, the legislation would be introduced in the 2007 Legislative Session (January 2007).