

[ Insert Initiative title]

[Insert State Seal / Organizaition Logo]

# Communion Plan

Version [Insert version number and Date]

## ACKNOWLEDGEMENTS

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## 1. Communication Plan

The [insert group] recognizes communication planning as part of each member's responsibility. The [insert group] Communication Plan establishes the mechanisms by which status, successes, progress and events related to the activities of the [insert group] Collaborative will be shared internally and externally. The formal communication plan and processes ensure that:

- all external stakeholders (including individual agencies, public, media, legislative and other government bodies, the public and advocacy groups) are kept aware of what is happening in the [insert group] project;
- all internal participants in the [insert group] project, staff, employees, and contractors will be apprised of the status, activities, events and deliverables; and
- a change management process to address issues and impacts will be implemented.

The [insert group] Communication Plan addresses all levels of stakeholders, and all levels of agency staff in the collaborative agencies and advocacy groups. It includes formal mechanisms for communicating:

- scheduled activities;
- internal publications and notifications of events, activities, progress;
- external notification of events, activities, and progress;
- external factors and impacts on the project
- actions of the [insert group] Collaborative to address external and internal factors.

Communication planning ensures that there is an awareness of the impacts that can occur on a project and that all involved and concerned stakeholders has a chance to respond.

## 2. [insert group] Audience

The [insert information sharing group title] stakeholder community is extensive and will grow as the state-level information sharing protocols and procedures are implemented. To identify audiences with an interest in children and youth information sharing, the [insert group] Collaborative was asked the following questions:

- Who are the [insert group] key stakeholders?
- Who are [insert group] primary users?
- What are main objectives of [insert group] Collaborative?
- Who does the [insert group] Collaborative need to communicate with and in what format?
- What are the roles/responsibilities of their agency(s)?

This information resulted in the following Governance Structure diagram that identifies stakeholder groups and the levels of organization.

[ Insert Governance Structure Diagram from Governance Structure Document]

**Figure – 1**

The stakeholder groups illustrated in the diagram includes several levels of agency representatives and a brief statement of their role. These are described in detail in the Governance document for the [insert group] under [Insert section of the governance document which address governance structure].

### **3. Communication Plan Schedule**

The [insert group] Leadership Committee will take the following actions relative to developing the components of this communication plan:

- assign communications lead and committee with the responsibility for the development of the communication plan format and schedule;
- initial reporting documents and communication plan steps will be assigned;
- reporting formats and a schedule of actions will be developed;
- E- Newsletter and Web Site will be developed/ expanded; and
- a change management process will be finalized.

The [insert group] Leadership Committee plans to expand the current monthly status report process and utilize an electronic newsletter format. As later phases of the project are initiated, additional mechanisms, processes, and steps will be put in place.

### **4. Communication Directions**

The [insert group] Communication Plan is designed to communicate data, status and reports internally and externally, by addressing communication channels that include processes to communicate within and outside of the immediate [insert group] community. Multiple mechanisms and media formats are available and will be utilized to communicate to the project teams and agencies, to directors and executive leaders and to stakeholders.

The processes include:

- [Examples are below]
  - Website – project plan, minutes, other relevant project documentation.
  - Mail and Email to internal and external users – status update, describe capabilities.
  - In person communications with directors, executive leaders, and others.
  - Public forums, meetings, speeches.
  - Social Media and Blog to enable [insert group] Leadership Committee and chair to respond to questions/concerns.
  - E-Newsletter – both online and in hard copy format.
  - Regular news media and public forums to broadcast successes.

- Formal written presentations and in person presentations.
- Regular status reports, statistics and performance reports.

A member of the [insert information sharing group title] Communication Committee will be assigned to respond to email; blogs and, any other social media or communications that come from the [insert information sharing group title] as a form of communication.

#### 4.1 [insert information sharing group title] Website

[Insert Description of Website if Applicable]

#### 4.2 E- Newsletter Format

As a primary form of communication for the [insert group] Collaborative, which will provide communication to internal and external stakeholders as well as serve as a bulletin board for publishing project schedule, events and successes the [insert group] will develop an e-newsletter. The format of the e-newsletter will include short, succinct articles that are easy to scan and to pull out the necessary information. If additional information is needed, articles may include links to other online information sources. The e-newsletter will be “e-published” quarterly by the [insert group] and will consist of the following components:

- **Name and Identifying Logo:** This includes depicting of the [insert group] logo and that of the state seal.
- **Tagline:** The tagline serves to link agencies to the Colorado Statewide Information Sharing Initiatives goals and objectives.
- **Feature Article:** Each month a feature article will highlight a specific effort, agency or initiative, and provide the information that enables and helps motivate youth-serving state, local and tribal agencies to leverage information-sharing capabilities to protect youth’s confidentiality while enhancing agency performance and effectiveness. This may include privacy and confidentiality topics, technology engagements with partners or other topics of interest.
- **A Note from the Chair:** This monthly feature will be an update from the Chair of the [insert group] Leadership Committee, intended to provide an update on [insert group] actions.
- **Agency News :** Each month, one of the [insert group] state level or local agencies or state committees will be spotlighted with an opportunity to highlight specific programs, new initiatives or events. This article will be prepared by a member of the highlighted agency and assigned at the [insert group] Collaborative meeting no less than two months in advance.
- **Quick Links:** The Newsletter will include a series of linked URLs that provide access to the Calendar, Upcoming events, A meeting calendar, national agency news related to JIS, and the on line active forums.

The e-newsletter is intended to be a “quick reference guide” to the activities and actions of [insert group] participating agencies. All articles in the newsletter are meant to be informative and professional. Well-defined subject categories help direct what will and will not appear in the publication,

and provide an editorial consistency. All content in the [insert group] e-newsletter will fall into one of these subject-matter categories:

- **How-to**—Practical guidelines for sharing information across agencies to enhance agency effectiveness while assuring compliance with confidentiality mandates’ of new or revised policies or procedures.
- **Working Together** – Real examples of how agencies have or can come together to coordinate services and foster informed decision-making regarding youth. . For example – include a success story with advocates and agencies highlight new members of the [insert group] or new leaders as they come on board, with an e-interview.
- **Updates** – Information that keeps participating agencies informed about information sharing development, implementation, problem-solving and enhancements. . Include example of new data exchanges, any policies or the [insert group] Privacy Committee for improving data confidentiality.
- **Recognition** – Reward and recognize agencies and leaders/ programs that are making a difference. This may include news articles highlighting or recognizing [insert group] agencies or [insert group] members.

The e-newsletter is organized in a manner that makes it readable and easy to navigate. Strategic design and page layout will help readers navigate the content, finding exactly the information and will include the following features:

- **Table of Contents** acts as the magazine’s “menu.” For this e-newsletter, the table of contents will be provided within a small box at the top of the page.
- **Column from [insert group] Leadership Committee Chair: “Note from the Chair”** – A short, letter-like update will welcome readers to each issue.
- **Feature Article:** This lead, top-of-page article will pertain to the most important topic for any given month. For example, the first issue’s feature will provide an introduction to [insert group] and JIS. Where possible, graphic visual would accompany this main article. Each month the [insert group] will highlight a specific agency.
- **Every-Month Departments:** These short, information-rich articles will include:
  - o **National Update**
  - o **State Update**
  - o **Agency Updates** (two agency updates; provided by agencies and assigned by the [insert group] Leadership Committee to specific representatives)

The e-newsletter will be published quarterly. Reader comments and [insert group] agency reviews and criticisms are encouraged. A sample of the e-newsletter format is contained in **Appendix A**.

In addition to the e-newsletter, other project media and reporting formats will be considered and developed. These include, but are not limited to, the following, which are discussed in the next sections of this plan:

- o Internal Project Status Reports
- o External Project Updates
- o Media/ Press Releases
- o Public Forum Presentations
- o Community Briefings, and
- o Agency Orientation and Training Sessions.

### 4.3 Project Status Report

The [insert group] Collaborative sees project status reporting as a communication tool that can be used to build consensus and commitment within and across agencies and stakeholder sectors. The status reports not only provide a regular method of reporting the next steps and the successes to date, they also provide a timeline for building stakeholder support. The project status reports are NOT meeting minutes. Minutes are reviewed and approved at the next meeting of the committee, or group. The minutes of meetings held may be attached to a project status report, or form the basis for completing the status report, but the minutes are not meant to substitute for regular reporting of overall project activities.

The [insert group] Collaborative will include performance measurements in these reports to demonstrate the sophistication of management systems and processes, and encourage substantiated results. This will also assist in justifying expenditures and requests for funds as it will:

- show competence of staff,
- increase the confidence of policy leaders in the program, and
- build willingness to participate.

The basic components of a status report include, but are not limited to, the following:

- **Current Project Status:** This section of the status report describes the current status and “health” of the project activities or “milestones.” Included in this section are the actions and activities underway, with each item having a recorded “status” (in progress, started, due to begin, behind, ahead of schedule, etc.) The status of each item includes a brief description of the deliverable, project step of activity, a definition of what will be the outcomes and an assignment to a committee or individual for completion. Where the item is a deliverable, it will also have a due date and may have a milestone associated with its completion.
- **Accomplishments:** This section of the report summarizes the accomplishments to date. The accomplishments that are associated with deliverable milestones should also describe the value gained to the [insert group] community.
- **Upcoming Events and Activities:** This section of the report provides a schedule of next steps. The next steps should be included on a timeline with appropriate detail and definition of the project staff or committee personnel who will be undertaking, directing, and involved in the next steps. Timeframes can include priority level for high level objectives, deliverables and milestones.

- **Project Schedule Update:** While the status report will define the next steps, the overall project schedule should include all deliverables, events, activities by status, date and responsibility. This schedule should be updated no less than monthly for a yearlong project, with high priority items updated weekly or as needed.
- **Issues:** Any outstanding issues, concerns or impediments should be detailed in the status report and have an action item, resolution estimated date and assigned responsible parties. The issues can be extracted from the project's action items listing, and should be updated at each project step. Included in the Issues section of the report should be any proposed change management steps, work around or business process changes which will be necessary to resolve particular issues.
- **Next Steps:** In addition to detailing upcoming events, Next Steps should be included in the project status report time line. This may include external agency activities that will have to occur or authorizations which are necessary from outside stakeholders, to move the project to the next phase.

A sample project report format is included below as **Figure -2**.

**Project Status Report**  
*Insert Project or Agency logo*

Project Status as of (month) \_\_\_\_\_

**Name of Project:**

**Project description:** *(include Mission and Objectives)*

**Achievements:** *(bullets)*

**Schedule of Events:**

*Completed –  
Short Term (Week/ Month)  
Long Term (Quarter/ Year)*

**Upcoming tasks:** *(What/ Who Assigned To/ start & end dates)*

**For More Information:**

*Call – Contact Person Name & Number  
Email – Contact email  
Check out online web page/ newsletter – Include Link*

**Figure – 2**

Project status reports can be internal or external to the agency; can include references to other project deliverables and management vehicles including the project plan, project schedule, deliverables listing, and change management plan among others. Project status reports will be issued on a regular basis, according to the [insert group] project requirements and maintained in written form on the project web site (if applicable) for internal agency access.

Project status reports may also be issued ad hoc to report the completion of major project steps or activities. In these instances, the reports will form the basis for other communications forms including new releases, presentations and public information statements.

#### 4.4 Press Release

Press releases are the most effective communication tool for reporting successes and building external stakeholder and community buy in to the [insert group] project. The [insert group] Collaborative intends to utilize press releases and media reports to report successes and:

- indicate progress toward achieving the goals and objectives of the Collaborative;
- measure the results of the activity compared to its intended purpose;
- allay fears related to presumed breaches of confidentiality and privacy;
- record family and community satisfaction and program quality;
- demonstrate success and improve accountability to the stakeholders and [insert group] community at large; and
- improve transparency in the project and public trust in the [insert group] and family related projects and agencies and,
- educate the family and youth community on services and activities available and how to obtain services.

A **sample** press release background form appears below as **Figure – 3**.

*Press Release*

**Project Title:**

**Project Description:**

**Accomplishments:**

**Schedule Status:**

**Upcoming Tasks:**

**Issues**

|                             |               |               |
|-----------------------------|---------------|---------------|
| <i>Contact Name:</i>        | <i>voice:</i> | <i>email:</i> |
| <i>Client Contact Name:</i> | <i>voice:</i> | <i>email:</i> |

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**Figure -3**

Similar to a status report, a press release is intended to provide an update of project activities. The press release can include all or only some of the characteristics contained in the format

below. The purpose of the format is to ensure that all necessary information for the written or oral release is accurate and complete.

When preparing the actual press release a press officer, Public Information Officer, reporter, manager or committee lead should be able to incorporate the data in the form into a short, concise and clear message that conveys

- WHAT is happening,
- WHY it is happening,
- WHO is involved and impacted,
- WHEN it is going to happen/happened, and
- HOW it will impact the audience.

The press release will include links, contact names and emails or phone numbers to contact for additional information. In the case of a press release from the [insert group] Collaborative, this may include a committee lead, [insert group] Leadership Committee member or chair person, a collaborative member or even an external stakeholder. Regardless of the contact persons' position, the individual should be fully cognizant of the subject and must have the background information from the form available to accurately respond in a professional manner.

The [insert group] Collaborative will explore new media options for press releases, including Web sites, e-broadcasts, and interactive social media technologies that are multimedia in nature to ensure full response to the community. While the traditional means of communicating with the external stakeholders and community includes brochures, annual report, public press conferences and public media, press releases, the expansion to Web broadcasts and social media such as **FACEBOOK**<sup>®</sup>, Linked-In, Twitter, and others will provide additional access to outside media and the stakeholder community at large.

## 4.5 Public Forum Presentations

External public meetings and community forums will be used by the [insert group] Collaborative to communicate project activities, successes and hold “open mic” sessions to involve family and youth representatives. The meetings will be announced on the [insert group] Web site and in the e-newsletter as well as promoted in local newspapers and agency communications. These meetings may center on a specific topical area – introducing and taking questions on a new policy, introducing a new agency initiative, reporting on the completion of a successful project phase, or providing a forum for community and youth/family advocates to express their concerns or share experiences on issues and topics of local concern.

The results of the presentations, including handouts, summary minutes, pictures and findings will be reported in the newsletter and on the web site (if applicable). Where appropriate, the [insert group] will contact the public media and press for coverage.

## 4.6 Agency Orientation and Training Sessions

In addition to providing public information and reporting on program success, the [insert group] Communication Plan includes preparing and presenting orientation sessions to new agency personnel and directors on the [insert group] mission and project, and developing and conducting training on information sharing. The [insert group] Leadership Committee will appoint specific agency representatives and subject matter experts to determine the level and type of orientation sessions and training courses for the next fiscal year. Examples include:

- **[insert group] Orientation Training for new Executive branch officials:** With change in state government administration and in state department executive directors, the [insert group] Collaborative Leadership Committee and [insert group] membership will need to present overview briefings and orientation sessions to the new elected and appointed members of the executive branch agencies. In addition, these materials will be used to brief new committees and [insert group] Collaborative members. An example of an executive briefing presentation is included as **Appendix B**.
- **Information Exchange Training:** As [insert group] data exchanges are completed, training on the specific data exchanges and the provisions surrounding security, access, confidentiality and privacy will be necessary. This training will include on site and on line sessions, webinars and technical training for information technology staff in the participating agencies.
- **Performance and Statistical Reports Development:** The various grants included in the [insert group] initiative have specific reporting requirements. As part of the communication planning process, the [insert group] will assist the participating agencies in accurately capturing and reporting data on their actions that demonstrates the success of the data sharing initiatives. This will also include a basic primer of data sharing guidelines that the agencies can promulgate state wide.

#### **4.7 User Satisfaction and Project Communication Surveys**

As an ongoing piece of the [insert group] Communications Plan, the [insert group] Collaborative intends to conduct surveys of users and community members (including family and youth advocates) to measure satisfaction and awareness of the [insert group] Collaborative and initiative. These surveys will be conducted using a standard protocol and the results will be initially reviewed in house for quality and unbiased findings, and where appropriate, will be released to executives, internal stakeholders and the community to demonstrate project success, increase transparency and improve the quality and processes of the [insert group] initiative.

Due to the sensitive nature of the information sharing components, extreme care will be taken to ensure that the confidentiality of participants is maintained.

#### **4.8 Performance and Statistical Reporting**

Part of the project status and success reporting includes developing, maintaining and reporting project statistics and performance measures. While some standard measures are in place, the communication plan will access performance measures and communicate statistical reports and successes through the communication media described in this plan. This will include access to standard reports and statistics on the web site, and specialized population performance reports which result from the [insert group] data sharing initiatives. Described further in the grants and strategic plan deliverables, these reports will be accessible on the web site.

### **5. Communication Plan Updates**

The [insert group] Communication Plan will be reviewed and revised on an ad hoc basis throughout the project. The plan is part of the overall [insert group] strategic plan and will be considered active during the strategic plan period, unless otherwise noted.

Revisions and updates to the plan will be submitted in draft format to the [insert group] Collaborative for review and comment. Responsibility for the maintenance and update of the plan lies with the [insert group] Leadership Committee and specifically, the [insert group] Communications Committee once it is developed. Responsibilities of [insert group] Committee Leads and Committee Members are outlined in **Appendix C** and in the [insert group] Governance Structure document.

# Appendices

## Appendix A: Newsletter Sample

# Colorado Statewide Information Sharing Initiative

*What you need to know about information sharing*

*"to improve the efficiency and effectiveness of State government, citizen service delivery and policy-making by providing guidance and recommendations on how the State should govern and manage data and data management systems." State of Colorado data management strategy*



September 2010

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- CCYS Local Updates
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- Agency Update

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### JAC's Corner

#### Jefferson County

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#### Weld County

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### Video



### Feature Article

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### News from OIT

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### A note from the Chair

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### Plugged In

with CCYS

### What's new in Education

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### QUICK LINKS

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## Appendix B: Executive Briefing

[ If Applicable, insert organizations executive briefing]

## Appendix C: [insert group title] Committee Responsibilities

The [insert group] Committees are structured around specific deliverables and focus areas for [insert group] collaboration effort. Once the Communication Committee is established, the following responsibilities for the Committee Lead and Committee Members will be expected:

Each **Committee Lead** is expected to:

- Provide leadership to the committee
- Establish committee meeting times, places and agendas
- Prioritize committee initiatives, and define next steps
- Provide guidance and foster a cohesive committee effort
- Serve as a liaison to the outside committees and organizations which the Committee Lead belongs to and attends
- Coordinate decisions with internal and external stakeholders
- Facilitate problem solving and collaboration of committee
- Escalate issues which cannot be resolved by committee to the Leadership Committee
- Seek out expertise as identified by the committee (this may include other agencies, [insert group] or community advocates, educational and contractual experts)
- Identify needs for necessary resources, education and training on an agency or initiative basis
- Inform Leadership Committee of accomplishments, issues and status, through regular and ad hoc reporting methods, and
- Serve as a liaison from their parent agency and other agencies or groups which they participate in that are related to issues raised relevant to the [insert group] Collaborative

Committee members are volunteers to the individual focus group/ committee and as such each **Committee Member** is responsible to:

- Perform assigned tasks and produce deliverables on time
- Provide business information and recommendations to the group, including nomination of additional membership
- Communicate needed resources, issues, project impediments
- Ensure discussions that lead to closure, and where necessary take issues back to their representative agencies
- Strive for consensus, and resolve problems
- Maintain healthy group dynamics
- Integrate disparate points of view, serve as a liaison to the outside committees and organizations which the Committee member belongs to and attends,
- Allow other Committee members to participate, and
- Motivate others regarding the Committee agenda and the [insert group] Collaborative

Should a committee member or lead find they are not able to meet the participation expectations on a consistent basis as defined in the *Membership Responsibilities* section of this Governance document, that committee member should suggest that the Leadership Committee seek a replacement member or nominate an appropriate replacement.

## Committee Decision-Making

Issues that require decisions of a committee may be brought to the attention of the Committee Chair by a:

- Person on the committee,
- Key stakeholder of the project, or
- Collaborative member.

Committee decisions are ultimately the responsibility of the Committee Lead, but committee members should have an opportunity to discuss the issue, and provide input into the decision.

A committee member may present a project change request to the Leadership Committee Chair or a member of the Leadership Committee. The Chair may choose to discuss the issue with the committee and Committee Lead, and come to a group consensus as to whether or not to submit a project change request, or bring it forward at a Leadership Committee Meeting. The final decision to submit a formal change request to the Leadership Committee will be the responsibility of the Committee Lead who is responsible to communicate any supporting information regarding the change request to the Collaborative at the next meeting.

The Leadership Committee Chair is responsible for communicating any formal change requests which he/she receives along with the supporting documentation to all Leadership Committee members in advance of the meeting where the change order will be discussed.

As additional committees are formed, the responsibility structure and decision making process may be revised to accommodate implementation activities rather than planning governance actions.

The process of communicating initiatives, findings and deliverables will be defined in the [insert group] Communication Plan.

# State of [insert state]

[Insert state or organization seal/logo]

[Insert information sharing group title]

## Governance Structure

**Last Updated: [Insert date]**

## ACKNOWLEDGEMENTS

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# 1. INTRODUCTION

This document describes the governance framework for [insert information sharing group title].

The main purpose of [insert information sharing group title] is to structure policy and procedures for efficient, appropriate and timely sharing of accurate information between children and youth serving agencies at the state and local levels to improve services and outcomes of children, youth and families involved in services.

The governance framework:

- describes the operational requirements and responsibilities of the [insert group] Collaborative<sup>1</sup> and Leadership Committee,
- describes the roles and responsibilities of members, Leadership Committee members, Subcommittee Leads, and Subcommittee members,
- provides guidelines to manage expectations for project stakeholders,
- defines interactions and decision-making for project stakeholders,
- defines informal and formal infrastructure reporting and hierarchical management and approval processes, and
- outlines the development of the communication planning process and high level communication mechanisms to be included in the formal communication plan.

The main contacts for [insert group] Collaborative are:

- [List leaders within the group who would be willing to answer questions regarding the collaborative. Include First, Last name, title, Department, agency and e-mail address or contact information.]

## 2. [Insert group] GOVERNANCE STRUCTURE

### 2.1 Authority

[insert group] operates under the statutory authority [Insert statutes that support data your data sharing initiative]. Additional support for the initiative is leveraged from [include any policies or regulations that support information sharing. You might also want to include government leadership support].

---

<sup>1</sup> **Collaborative Leadership** “It is a mutually beneficial relationship between two or more parties who work toward common goals by sharing responsibility, authority, and accountability for achieving results.” David D. Chrislip and Carl E. Larson, Collaborative Leadership: How Citizens and Civic Leaders Can Make a Difference. San Francisco. Jossey-Bass, 1994.

## 2.2 MOUs and Collaborative Agreements

In developing the inter-departmental MOU for the work of [insert group], the governance structure was examined in terms of roles and responsibilities of the stakeholder agencies at different phases in the project. The resulting determination was that the current inter-departmental MOU referenced in 2.1 serves as the collaborative agreement for planning purposes and that a second inter-departmental MOU will be instituted with the appropriate constituent agencies for implementing the recommended related information sharing policies and procedures.

## 2.3 Governance Structure

As the mission of the [insert group] is to [insert mission statement of your group] a formal governance structure for the work of the [insert group] is essential for defining the infrastructure and mission of the Collaborative and information sharing needs involving state, local and youth and family interest groups. This infrastructure results in several cross jurisdictional and operational reporting paths —both formal and informal— to report, fund, communicate, develop, implement and authorize the work of the [insert group]. Facilitated information sharing to meet the needs of children, youth and family in the state must be seamless and responsive with specific confidentiality safeguards at all levels to ensure privacy of participants and support statutory information privacy requirements.

The overall structure showing authority and responsibility levels are depicted below. The participating agencies and units are layered based upon their current or future roles and responsibilities.

The following is not intended to be a governmental authority organization chart or a formal communication matrix, but instead, ***depicts the major roles of each participant agency and their roles during the information sharing planning and implementation project.***

The Levels include:

- **Level 1 - Executive Direction and Oversight:** This governance level applies to the agencies and offices at the state level that provide statutory, legislative or executive approval and authorization to the activities of the [insert group]. This level includes the top executives for the three branches of [insert state] state government **Executive - Legislative - Judicial**. While members of these agencies may also be involved in other levels of committee structure and governance, the Level 1 role is the authorization level of approval and review and does not direct the day to day operational aspects of the project. Other levels will interact with Level 1 most often through briefings, status reports and requests for additional authority, scheduled expansion, and scope definition. The agencies included in this level are authorizing and funding bodies with oversight review and authority. While there is a decision making role at this level, it is mainly for the purposes of executive authorization of program staff resources and funding, rather than direction of daily operations.
- **Level 2 - Statewide Advisory and Agency Executive Management:** This level includes the top state information technology providers and division level directors responsible for operational

and technical aspects of the information sharing mission. The Chief Information Officers (CIOs) of state departments and statewide level Data Sharing and Privacy Officers are included in this group, as are the statewide advisory management level committees. The role of this level is advisory for review of statutes, programs and policies, and execution of technology implementation. Agency and Division level information technology offices such as the [insert offices] personnel, Information Technology (IT) Division level directors for the executive branch agencies and IT initiatives at the department and agency level play an advisory role here, but are also included in Level 4 Operations actions.

- **Level 3 – [insert group] Collaborative and Operational Management:** The operational management level includes the personnel responsible for direct management of the programs, policies and activities that are the focus of the [insert group]. The Collaborative serves as a conduit for horizontal, vertical and cross agency children and youth data sharing initiatives, identification, validation, and implementation tasks. The [insert group] Leadership Committee serves as a guiding body for the [insert group] Initiative. The Leadership Committee provides “hands on management” for developing policies, communicating progress and completing specific [insert group] actions, deliverables and activities – which are specific to implementation. The [insert group] Leadership Committee’s role includes communication and interfaces no less than quarterly with Executives, [insert others].
- **Level 4 – Business and Implementation Level:** The business level agencies are considered the implementers or those groups that will actually accomplish and internalize the goals and mission of [insert group]. This includes the operational and technical staff and supervisory units of participating agencies —as they are the recipients of the data sharing initiatives and will be the prime implementation sites and users of the information exchanges. These agencies and units are located at multiple levels of government —state, local, county— and have their own hierarchical reporting structure within their geographic and governmental infrastructure, and may be current or future participants in the process. This level looks to the Level 3 and 2 agencies and committees for interpretation, guidance and policy decisions. Included in this group are both current and future beneficiaries and users of the information exchanges, policies and procedures that are developed by the initiative.
- **Level 5 - Future Participants:** This level includes future participating agencies, units, and organizations that will be added to the above levels later in the project. While these future participants may be part of any of the above levels, they are grouped together until their specific role is defined.
- **Level 6 - External Groups:** Agencies and participants in this level include external agencies, funding bodies and contractors/consultants who will engage with [insert group] as necessary to complete project tasks, fund initiatives or advise on policies and principles. The contractors/consultants in particular, will engage with the other levels under the authority of

the [insert group] Leadership Committee and executive management, and on the advisement or assignment of the executive or funding bodies. Their role is ad hoc or contractual and they should not be considered full time participants in the operations or structure or the [insert group] Collaborative. [See Sample Governance Structure below]

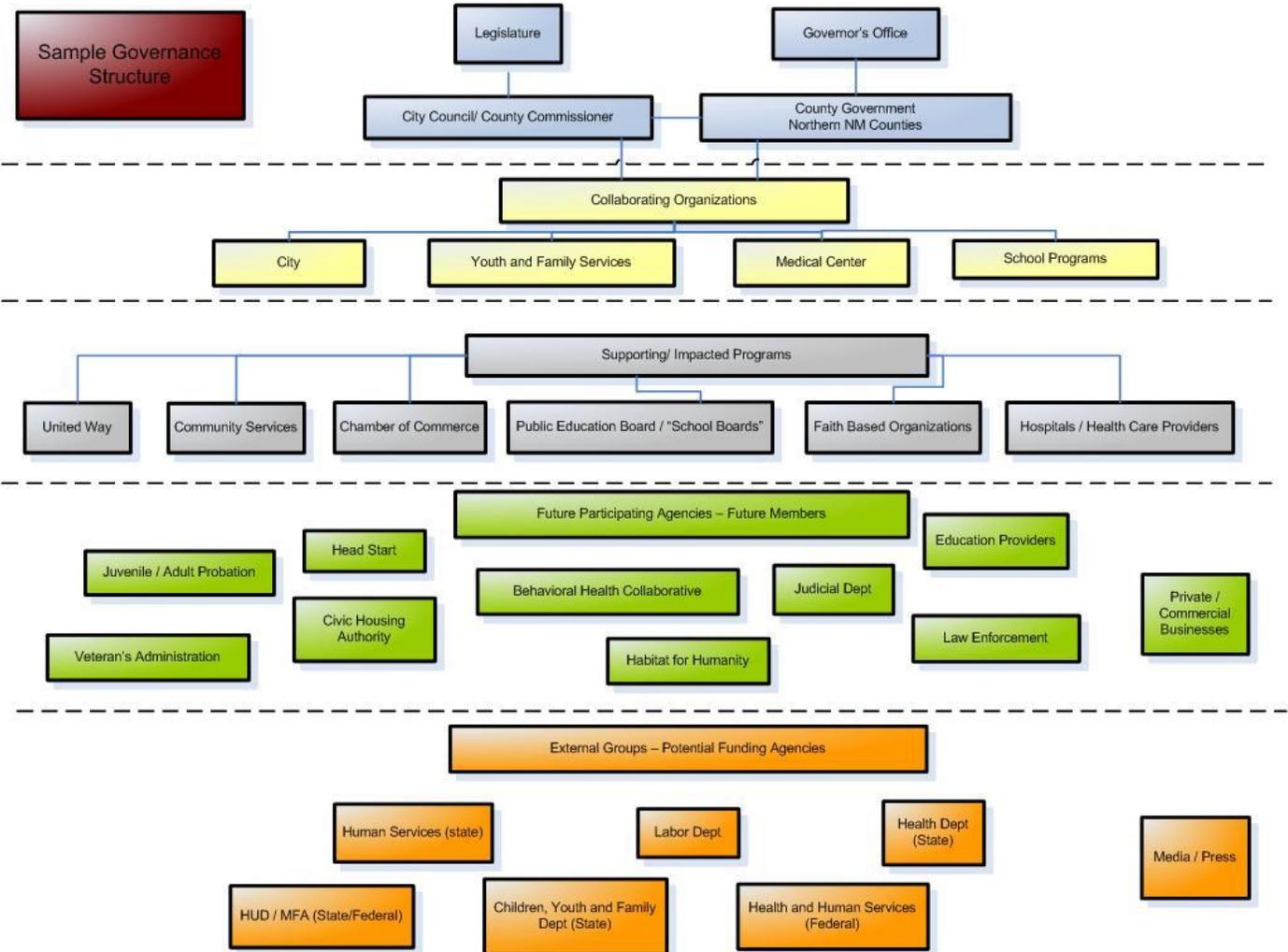


Diagram – 1.0

Discussed below are the specific governance features of the [insert group] Initiative and roles of the [insert group] Collaborative and Leadership Committee members pertaining to this overall structure. These are included in Section 3. The roles of the specific [insert group] Leadership Committee, Collaborative, and committee members are defined generally below. The current and planned committees are specifically defined in **Appendix B**.

In the sections below, the specific roles of the [insert group] Collaborative, Leadership Committee and committees included in Level 3 are discussed.

## 2.4 [Insert group] Collaborative (Level 3)

The [insert group] (hereinafter called the “Collaborative”) establishes the leadership, vision, purpose, goals, decision-making structure, and accountability processes for the information sharing project.

The Collaborative members provide strategic leadership for the Collaborative and ensure that executive and judicial leaders are informed no less than quarterly about the progress and the [insert group] initiative. Members of the Collaborative interact with state department executive and judicial leaders to assure open communication continues and to assure continuity between [insert group] efforts and any new initiatives which are begun within the various state agencies, local agencies and groups, family and youth oriented driven organizations. The members of the Collaborative have vast youth and juvenile justice experience, knowledge and technical advisory capabilities and are often representatives to specific agencies included in the overall juvenile justice information sharing process in the state.

The purpose of the Collaborative is to develop cross-system protocols and explore technological solutions for information sharing utilizing and adapting the federal *Governance Guidelines for Juvenile Information Sharing* (Office of Juvenile Justice and Delinquency Prevention, 2011). The key responsibilities of the [insert group] Collaborative are to:

- 1) Establish a foundation of an effective collaborative governing body, and
- 2) Manage a comprehensive assessment of data, legal authority, technology and related policies of participating agencies.
- 3) Develop [insert group] strategic plan that includes children and youth information sharing policies and procedures recommended to ensure the protection and security of private information regarding youth and families, and achieve cross agency information integration and interoperability.

The membership of the Collaborative consists of representatives of state agencies that manage children and youth programs and services ([Insert Examples]), youth representatives, family advocates, county coordinators, and consultants.

Appointments of state government staff to the Collaborative are made by state level Agency Division Directors. Non-state government members of the Collaborative can be appointed by the local level authorities or local agency executives for non-state level agencies and organizations, including county, municipal and regional advocacy groups or take a formal pledge. Collaborative members serve for an indefinite term, but not less than 2 years, and will serve voluntarily, without compensation or reimbursement, except where extraordinary travel reimbursement and certain meeting expenses may be invoiced with prior approval of the Collaborative. A sample appointment letter is included as **Appendix B** of this document.

The Collaborative Chair position will be appointed by the Collaborative for a 2 year term, which can be renewed for a second term upon a vote of the majority of the Collaborative membership.

The Collaborative meets formally on a monthly basis and participation at collaborative meetings is not compensated or reimbursed beyond existing job compensation, except when extraordinary travel reimbursement and certain meeting expenses may be invoiced with prior approval of the Collaborative. Family and youth members can be reimbursed direct expenses such as mileage and per diem as approved by the Collaborative, if such funds are available to the Collaborative.

Collaborative members perform a vital and continual role in the advocacy, direction and promotion of the [insert group] initiatives. All Collaborative appointees are required to actively advocate and participate in the activities and promulgate the mission and objectives. If a member or the Chair is unable to participate regularly, the committee or the member will request the appointment of a replacement from the representative agency. According to the process defined below.

After the last meeting of each calendar year, the Collaborative Chair will report on those Collaborative members who have not fulfilled the attendance requirement. The Collaborative will then review each case, meeting with the member in person, and make a report and recommendation regarding retaining the Collaborative member or asking the member to tender his/her resignation to the Collaborative Chair. The Chair will then contact the Executive Director of the Department regarding a replacement for the member in question. The current members of the Collaborative are listed in **Appendix A**.

All members of the Collaborative will sign the “[insert group] **Participation Pledge**” included in **Appendix D** to show their support and unity to the initiative.

## 2.5 [Insert group] Leadership Committee (Level 3)

The [insert group] Leadership Committee provides strategic leadership for the Collaborative and ensures that executive and judicial leaders are informed no less than quarterly about the progress and the [insert group] initiative. Members of the Leadership Committee interact with state department executive and judicial leaders to assure open communication continues and to assure continuity between [insert group] efforts and new initiatives which are begun within the various state agencies, local agencies and groups, ad family and youth oriented advocacy groups and organizations. The [insert group] Leadership Committee membership consists of state and county management leaders of key children, youth, juvenile, and family driven organizations. The members of the [insert group] Leadership Committee have vast youth and juvenile justice experience, knowledge and technical advisory capabilities and are often representatives to specific agencies included in the overall juvenile justice information sharing process in the state.

The Leadership Committee performs a vital and continual role in the advocacy, direction and promotion of the [insert group] initiatives. All Leadership Committee appointees are required to actively advocate and participate in the activities and promulgate the mission and objectives. If a member or the Chair is unable to participate regularly, the committee or the member will request the appointment of a replacement from the representative agency, according to the process defined below.

Leadership Committee members are selected by the [Insert group] Collaborative from the collaborative membership for an indefinite term, but not less than 2 years, and participation at Leadership Committee meetings is not compensated or reimbursed beyond existing job compensation, except when extraordinary travel reimbursement and certain meeting expenses may be invoiced with prior approval of the [Insert group] Collaborative. Family and youth members can be reimbursed direct expenses such as mileage and per diem as approved by the [Insert group] Collaborative, if such funds are available to the [Insert group] Collaborative.

The Chair position will be appointed by consensus of Leadership Committee members for a 2 year term, which can be renewed for a second term by consensus of the Leadership Committee membership. A Co-Chair will be appointed by the same process and will fill in for the Chair when necessary.

The Leadership Committee Chair and Leadership Committee Members must attend at least one-half (1/2) of the regularly scheduled monthly meetings during the calendar year, unless his or her absence is excused by contacting Leadership Committee Chair prior to the meeting(s). Designees who do not fulfill the attendance requirements will not be allowed to vote on [Insert group] initiatives.

After the last meeting of each calendar year, the Chair will report to the Leadership Committee on those members who have not fulfilled the attendance requirement. The Leadership Committee will then review each case, meeting with the member in person, and make a report and recommendation to the [Insert group] Collaborative /Leadership Committee regarding retaining the member or asking the member to tender his/her resignation to the Leadership Committee Chair. The Chair will then contact the Executive Director of the Department regarding a replacement for the member in question.

The [Insert group] Leadership Committee also directs the meetings of any other committees created by the Collaborative. The current members of the Leadership Committee are listed in **Appendix A**.

## 2.6 Committees (Level 3 – Work groups)

Committees are established to carry out the research, analysis, and detailed tasks required by the [Insert group] Leadership Committee and the [Insert group] Collaborative. These committees have specialized, focused agendas that tie back to the overall strategic plan. Additional committees may be appointed or formed as necessary during the implementation phase of the project.

Each committee will include at least one member of the Leadership Committee. There will also be a committee Lead selected by the committee membership. The committee Lead is responsible to facilitate the group, ensure that they are focused on the appropriate issues, accomplish committee goals, and meet their responsibilities in the allotted timeframes.

The committee Lead is also responsible for reporting back to the Leadership Committee and addressing the committee findings during Collaborative meetings and with external interest groups.

Committees will hold meetings on an 'as needed' basis to address specific issues where their specific expertise is required. Individuals with specific subject matter expertise are included on each committee and may be brought in on an ad hoc basis or asked to join the committee as a full time member voluntarily, without compensation or reimbursement, except that extraordinary travel reimbursement and certain meeting expenses may be invoiced with prior approval of the Collaborative. Subject matter experts support their respective committee by providing guidance and responding to functional and technical questions.

Each committee will report on a monthly basis to the Collaborative. The current committees include:

- [specify existing committees if applicable]

The committee responsibilities, leads and initiatives are listed in **Appendix C**.

### 3. [Insert group] MEMBERSHIP RESPONSIBILITIES

#### 3.1 [Insert group] Collaborative Membership Responsibilities

To ensure the success of the [Insert group] project, members of the [Insert group] Collaborative, including the Leadership Committee, Committee Lead/Leads, and members must all participate in a cohesive manner with a strong sense of commitment. The members were nominated or appointed to serve as a liaison to their agencies and all share a common goal to integrate juvenile information sharing components in their respective areas for improved information sharing with children, youth, juvenile and family related providers and agencies. New members will join the [Insert group] Collaborative as personnel changes take place and participation from new agencies and groups are required. The Leadership Committee will assign a member to mentor the new member(s) giving them background and key information to bring the new member on board with knowledge to fully execute the membership responsibilities. Key documents available to the mentor to provide a new member are:

- [List documents – Examples: Transition/Introduction Document, Governance Document, Communication Plan, Web-site links to minutes, newsletter, etc, Summary of State Statues, Membership Roaster, and Meeting Schedule]

Each member of the [Insert group] Collaborative must be willing to:

- Devote necessary time, effort and energy to the project on a voluntary and non compensated basis
- Create project efficiency by their interactions
- Facilitate communication among agencies
- Forge a spirit of working together
- Attend all scheduled meetings
- Volunteer and complete specific assignments and project activities

- Serve as a Champion and Advocate for the [Insert group] goals statewide
- Take responsibility for completing assigned and volunteer actions in a timely manner
- Mentor new members
- Help establish political and stakeholder support, and
- Maintain strong public support for children, youth and family information sharing

The members of the [Insert group] Collaborative often serve on several other committees, agency initiatives, policy or initiative specific committees and work groups outside of the [Insert group] role. It is anticipated that these members will share their experiences, activities and the outside groups/ projects activities with the [Insert group] on a regular basis to further strengthen the collaborative nature of the [Insert group]; and help ensure continuity across multiple statewide and community initiatives by communicating updates to the [Insert group].

### 3.2 [Insert group] Leadership Committee Responsibilities

Each member of the [Insert group] Leadership Committee is expected to:

- provide upper management leadership and agency specific expertise,
- recommend policies and standards,
- prioritize initiatives, and define next steps,
- facilitate collaboration, problem solving and decision-making,
- provide guidance to subcommittees,
- seek out expertise as identified by subcommittees,
- initiate committees as appropriate,
- assist in identifying and obtaining the necessary resources, education and training to complete the [Insert group] mission, and
- serve as a liaison to stakeholders,
- serve as a liaison to the outside committees, collaborative groups and organizations that Leadership Committee belong to and attend ,
- contribute to and support [Insert group] Leadership Committee decisions,
- recommend funding and provide supporting documentation to justify expenditures, and
- recognize accomplishments of the [Insert group] Collaborative, Leadership Committee, and Committees.

As participation is on an appointment basis, when a Leadership Committee member is not able to meet the participation expectations as defined in the *Membership Responsibilities* section of this Governance document on a consistent basis due to conflicts or other outside responsibilities, that Leadership Committee member can proactively contact their agency director and suggest that a replacement be appointed to the Leadership Committee.

The Leadership Committee is a leadership and management level of the project, thus, it is essential that all participants recognize the time necessary to complete specific [Insert group] committee assignments, policy and procedure reviews and other funded actions of the [Insert group] Collaborative and schedule their involvement accordingly. While some actions may be assigned to external bodies and contractors, the Leadership Committee is the bedrock of the project governance structure and as such is responsible for maintaining continuity of focus, schedule and implementation goals.

### 3.3 [Insert group] Committee Responsibilities

The [Insert group] Committees are structured around specific deliverables and focus areas for the [Insert group] collaboration effort.

Each **Committee Lead** is expected to:

- Provide leadership to the committee
- Establish committee meeting times, places and agendas
- Prioritize committee initiatives, and define next steps
- Provide guidance and foster a cohesive committee effort
- Serve as a liaison to the outside committees and organizations which the Committee Lead belongs to and attends
- Coordinate decisions with internal and external stakeholders
- Facilitate problem solving and collaboration of committee
- Escalate issues which cannot be resolved by committee to the Leadership Committee
- Seek out expertise as identified by the committee (this may include other agencies, [Insert group] or community advocates, educational and contractual experts)
- Identify needs for necessary resources, education and training on an agency or initiative basis
- Inform Leadership Committee of accomplishments, issues and status, through regular and ad hoc reporting methods, and
- Serve as a liaison from their parent agency and other agencies or groups which they participate in that are related to issues raised relevant to the [Insert group] Collaborative

Committee members are volunteers to the individual focus group/ committee and as such each **Committee Member** is responsible to:

- perform assigned tasks and produce deliverables on time
- provide business information and recommendations to the group, including nomination of additional membership
- communicate needed resources, issues, project impediments
- ensure discussions that lead to closure, and where necessary take issues back to their representative agencies
- strive for consensus and resolve problems
- maintain healthy group dynamics

- integrate disparate points of view. Serve as a liaison to the outside committees and organizations which the Committee member belongs to and attends
- allow other Committee members to participate, and
- motivate others regarding the Committee agenda and the [Insert group] Collaborative

Should a committee member or lead find they are not able to meet the participation expectations on a consistent basis as defined in the *Membership Responsibilities* section of this Governance document, that committee member should suggest that the Leadership Committee seek a replacement member or nominate an appropriate replacement.

## 4. [Insert group] DECISION-MAKING GUIDELINES

### 4.1 Decision Making Processes

As defined in the governance diagram, the responsibilities of the Level Three – Operational Management agencies – e.g. the [Insert group] Collaborative is to serve as the single point of authority for all major decisions that may affect the overall project results. The Committees should report regularly to the Collaborative on specific actions.

The decision making process within the Collaborative consists of distinctive processes by which the Committees and Collaborative will agree upon certain actions, approve documents and processes and advance the activities of the [Insert group]. While the individual agency representatives report organizationally to and will take final direction according to their parent agency’s reporting structure, within their role as a [Insert group] Collaborative or Committee member, within the [Insert group] project structure, the Collaborative members will report up to the Level 2 and Level 1 agencies and down to the Level 4 and Level 5 organizations and stakeholders on [Insert group] specific accomplishments, actions and practices.

As issues arise and decisions need to be made on policy, procedures, privacy and as conflicts between agencies policies need to be addressed, the Collaborative will follow the **Decision Making Process structure** shown below in **Diagram - 2.0. [See sample Decision Making Process below]**

## SAMPLE DECISION MAKING PROCESS

| Issue Type/<br>Topical Area         | Initiation By   | Initial Research/<br>Review                   | First Level<br>Review/Direction        | Second Level<br>Review/<br>Recommendations           | Third Level<br>Approval & Review<br>Authorization            | Final<br>Authorization                 | Notes   |
|-------------------------------------|---|---|--|--|--|--|---|
| Privacy & Confidentiality Issue     | Any Member of Collaborative or Business Operation Agency                          | Collaborative and or Appropriate Subcommittee | Collaborative and Privacy Subcommittee | State Advisory Management Group                      | Attorney General's Office                                    | Executive Director or Judicial Officer | Possible rule(s) or policy change. Change in or development of legislation (statute).   |
| Data Exchange Process               | Any Member of Collaborative   | Technology Subcommittee                       |  | State Advisory Groups                                | State Advisory Groups  |  | Final Authorization Dependent Upon Domain Area of Data Exchange   |
| Membership Change/Expansion         | New Agency, External Stakeholder  | Collaborative                                 | Agency Director, if applicable         | Leadership Group                                     | Collaborative  | Statewide Advisory Management Group    | Final Authorization Dependent Upon Domain Area of New Agency  |
| Cross Agency Policy Change          | Any member of (insert group) or Business Operation Agency or External Stakeholder | Collaborative and or Appropriate Subcommittee | Collaborative                          | Business Operation Agencies Representatives          | State Advisory Management Group<br>Attorney General's Office | Executive Director or Judicial Officer | Final Authorization Dependent Upon Domain Areas of Policy Issues  |
| Data Sharing Procedures             | Collaborative   | CIOs, Statewide Advisory Group                | Collaborative                          | Agency Executive Director<br>CIO<br>Judicial Officer | Statewide Advisory Group                                     | Executive Director or Judicial Officer | Scope of procedure will determine which agencies & level have final approval. If agency specific, then stays with those participants. |
| Newsletter & Communication Policies | Collaborative   |   | Collaborative                          |  |  |  | NO Third Level Approval Here  |

**Diagram – 2.0**

The **Decision Making Process** identifies various categories or issue types that may arise and require resolution. The issue or topic area will dictate the path of escalation. As the issue or topic works through the escalation process – decisions will be made by the authorities that govern the matter being raised. A log or tracking sheet of these issues must be maintained by the Committee or by the Collaborative in order to track the path and final resolution or decision. This tracking sheet will assist the Collaborative in modifying the escalation process if needed for future issues or topics.

Committee Leads are responsible for the decisions of their respective committees. The committee Lead may bring a committee decision or issue to the Leadership Committee's attention.

At that time, the Leadership Committee is responsible to review the issue and determine if there are any required actions. The following general decision-making guidelines may be helpful in the decision-making process:

- Identify the issues that require decisions.
- Initiate a meeting agenda that includes time for problem definition, brainstorming, clarification and voting.
- Develop an action Item format to ensure resolution and closure.

- Break down complex problems into smaller ones as necessary and assign or resolve in committee.
- Discuss the issue with Collaborative membership.
- If needed, adjourn for assigned research, (utilizing committee members, other SME and Collaborative and agency resources, and outside experts).
- Clarify and display the pros and cons (white board, document, flip chart).
- Make a decision (via consensus or vote).
- Document the decision to head off repeated debates on the same issue.

An action issues log will be maintained and updated at each Collaborative meeting.

### **4.3 [Insert group] Collaborative Decision-Making and Escalation Process**

Each [Insert group] Collaborative member has an equal voice in the decision-making process. Most decisions can be made by the consensus of the [Insert group] Collaborative. If consensus cannot be attained, then a vote may be carried out. Each agency that is represented on the Collaborative by a voting member has one vote, which is cast by the agency's representative Collaborative member.

Each [Insert group] Collaborative member has full review rights to any documentation updates and/or issues that may require a decision. If the Collaborative member does not plan to attend a meeting where key decisions are discussed, that member retains the right to review the material.

The escalation of issues and decisions made by the [Insert group] Collaborative will proceed from the point of origin, whether in committee or by a member of the collaborative through the Leadership Committee and then to the entire collaborative for final approval.

### **4.4 [Insert group] Leadership Committee Decision-Making**

Each [Insert group] Leadership Committee member has an equal voice in the decision-making process. Most decisions can be made by the consensus of the [Insert group] Leadership Committee. If consensus cannot be attained, then a vote may be carried out. Each agency that is represented on the [Insert group] Leadership Committee has one vote, which is cast by the agency's representative [Insert group] Leadership Committee member.

Each [Insert group] Leadership Committee member has full review rights to any documentation updates and/or issues that may require a decision. If the [Insert group] Leadership Committee member is not in attendance at a specific meeting where key decisions are discussed, that member retains the right to review the material.

## 4.5 Committee Decision-Making

Issues that require decisions of a committee may be brought to the attention of the Committee Chair by a:

- person on the committee,
- key stakeholder of the project, or
- collaborative member.

Committee decisions are ultimately the responsibility of the committee Lead, but committee members should have an opportunity to discuss the issue, and provide input into the decision.

A committee member may present a project change request to the Leadership Committee Chair or a member of the Leadership Committee. The Chair may choose to discuss the issue with the committee and committee lead, and come to a group consensus as to whether or not to submit a project change request, or bring it forward at a Leadership Committee Meeting. The final decision to submit a formal change request to the Leadership Committee will be the responsibility of the Committee Lead who is responsible to communicate any supporting information regarding the change request to the Collaborative at the next meeting.

The Leadership Committee Chair is responsible for communicating any formal change requests which he/she receives along with the supporting documentation to all Leadership Committee members in advance of the meeting where the change order will be discussed.

As additional committees are formed, the responsibility structure and decision making process may be revised to accommodate implementation activities rather than planning governance actions.

The process of communicating initiatives, findings and deliverables will be defined in the [Insert group] Communication Plan.

## APPENDIX A: **[Insert group]** Collaborative Membership Roster

### A. 1 **[Insert group]** Collaborative Members

**[List members, include e-mail addresses or contact information]**

| Name | E-mail Address |
|------|----------------|
|------|----------------|

### A.2 – **[Insert group]** Leadership Committee

**[List members, include e-mail addresses or contact information]**

| Name | E-mail Address |
|------|----------------|
|------|----------------|

**[List additional committees and their members as they are formed]**

## APPENDIX B: Appointment Letter – Leadership Committee

[Insert Logo]

Date

[Agency Executive Director or Division Director Name]

Title

Agency

Address

Dear [ ]:

I would like to thank you for your continued support to the [Insert group] Collaborative. The [Insert group] Collaborative establishes the leadership, vision, purposes, goals, decision-making structure, and accountability processes for the information sharing initiative.

The purpose of the [Insert group] Collaborative is to develop cross system protocols and explore technological solutions for information sharing utilizing and adapting the federal *Governance Guidelines for Juvenile Information Sharing* (OJJDP, 2011). The key responsibilities of the [Insert group] Collaborative remain to:

- Establish a foundation of an effective collaborative governing body, and
- Manage a comprehensive assessment of data, legal authority, technology and related policies of participating agencies.
- Develop children and youth information sharing strategy that includes [Insert group] specific policies and procedures recommended to ensure the protection and security of private information regarding youth and families, and achieve cross agency information integration and interoperability.

The membership of the [Insert group] Collaborative consists of representatives of state agencies that manage children and youth programs and services ([Include examples such as child welfare, juvenile delinquency prevention, behavioral health, public health, juvenile justice, education, youth corrections]), youth representatives, family advocates, county coordinators and subject matter experts.

Appointments to the Collaborative are made by the state Agency Division Directors for State Agencies and by the local level authorities or local agency executives for non state level agencies and organizations, including county, municipal and regional advocacy groups.

I would like to thank you for your continuing support of the Collaborative and request confirmation of your appointment of [appointee's name(s)] as [agency name]'s representative to the [Insert group].

I hope that you have found the work of the [Insert group] to be beneficial to your agency and ask that you continue through your representative(s) to be an active partner in this initiative. I would appreciate a brief note or email message to [contact email] confirming whether [appointee's name(s)] will continue to represent your agency as liaison to [Insert group]. In addition to regular reports from your representative, you can obtain current information about the [Insert group] activities at: [insert website]

Sincerely,

## APPENDIX C: [Insert group] SUBCOMMITTEES

### C.1 [Insert title] Committee

**Committee Lead:** [Insert name of lead]

This Committee supports [Insert group] Collaborative initiatives by researching issues and performing assigned tasks related to:

- [Insert tasks and responsibilities]

#### **Example:**

### C.1 Privacy & Confidentiality Committee

**Committee Lead:**

This Committee supports [Insert group] Collaborative initiatives by researching issues and performing assigned tasks related to:

- Private and public access of statewide Juvenile Justice information,
- Confidentiality and Privacy Statutes which exist in the [Insert group] Collaboration Agencies
- Participation in the State Privacy Committee
- Cross committee collaboration with technology and infrastructure issues
- Policy review of existing and proposed privacy and confidentiality processes for the JIS
- Compliance with state Privacy and Confidentiality standards

## APPENDIX D: [Insert group] Participation Pledge

**This Pledge of Participation is intended to commit the** This Committee supports [Insert group] Collaborative initiatives by researching issues and performing assigned tasks related to:

- Private and public access of statewide Juvenile Justice information,
- Confidentiality and Privacy Statutes which exist in the [Insert group] Collaboration Agencies
- Participation in the State Privacy Committee
- Cross committee collaboration with technology and infrastructure issues
- Policy review of existing and proposed privacy and confidentiality processes for the JIS
- Compliance with state Privacy and Confidentiality standards

Collaborative members to a “collaborative and shared project initiative” develop a data sharing process and define specific data exchanges and processes for the participating agencies in the governance structure. [See sample Participation Pledge below]

### Participation Pledge – [Insert group] Collaborative Member

To: [Insert group] Collaborative

From:

Subject: Participation in [Insert group] Initiative

As a [Insert title of information sharing group, include acronym name if used previously in document] Collaborative member, I share a common goal with the Collaborative to promote information sharing throughout the State of [Insert State]. I recognize that my part is to:

- Devote the necessary time, effort and energy to the project
- Create efficiency by my interactions
- Facilitate communications between agencies
- Forge a spirit of working together
- Attend all scheduled meetings
- Help Establish political and stakeholder support, and
- Maintain strong public support for the [Insert group] Collaborative and Statewide Information Sharing Initiative

As a member of the [Insert group] Collaborative, I will strive to:

- Coordinate decisions with internal and external stakeholders
- Encourage constant improvement and creatively
- Facilitate problem solving and collaboration
- Prioritize initiatives and define next steps
- Foster a cohesive, team effort
- Provide leadership and guidance

- Recognize accomplishments
- Recommend funding alternatives
- Review project status reports
- Seek out expertise
- Serve as a liaison to stakeholders
- Set policies and standards, and
- Support Leadership Committee decisions

I, \_\_\_\_\_ on this date \_\_\_\_\_, will do my best to

**<Please print your name>**

fulfill my obligation described in this pledge of participation.

## Appendix E – Initiating Agency MOUs

[Insert your agencies/collaborative signed MOU's here]

| Relevant Templates                         | Incident or Event Requiring Data Exchange  | Outcome of the Incident or Action  | Child/Incident Location   | Primary Agency needing Information  | Participating Agencies which may provide records             | Data Exchange Element Types  | Time/ Urgency   | Applicable Statutes | Notes   |  |
|--|--|--|---|---|--|--|---|---------------------|---|--|
| General Medical/ Mental Health Subst Abuse | <p>Typical Events that occur with Youth and Family which require the specific agency handling the event to exchange data with other agencies in the Juvenile Justice System. They are common actions that the CJHS agencies take to complete the processing, intake, assessment, adjudication, detention or treatment of a juvenile. In all instances the data necessary to complete the action include information that may be located in other agency records and would be made available through the JIS Data exchange Process.</p> <p>Listed below are common events and situations that occur in the juvenile justice process. Each of these situations require the responsible agency to access some records and data on the child, which may or may not be readily available from other agencies. In some cases, the data may already be available from a prior contact with the child, or the data is contained in external agency records. Where the incident occurred, which agency is "handling" or supervising the action, and the severity of the action may also impact what data is available and whether or not a consent form is necessary to provide the data. Not all situations are relevant for all agencies.</p> | <p>As a result of completing the incident report the agency will take some action. This is the justification for why we need to look at more data on the youth/juvenile.</p> | <p>Where the actual incident occurred (needed to know if specific consent statutes may apply (Ex. FERPA - on school property, adjudicated/detention consent may already be in place - treatment - limits)</p> | <p>This is the agency which is responsible for completing the incident or event in column 1</p> | <p>Agencies which you need Data FROM complete the Action</p> | <p>These are the type(s) of data you need from the participating agencies and your own agency records to complete the action. For each type of information you need, list the statute.</p> | <p>This is the time period in which you need the data from other agencies to complete the action. For each type of information you need, list the time frame.</p> | <p>Options --</p>   | State Laws Addressing: Local Ordinances/  | Notes  |
|  |  |  |   |   |  |  |   |                     | Federal Law Addressing  |  |
|  |  |  |   |   |  |  |   |                     | FERPA CFR 42  |  |
|  |  |  |   |   |  |  |   |                     | Federal Law   | Constitutional Right to Privacy 45 CFR 164.502(g)(3)(ii) for Notice to Parent  |
|  |  |  |   |   |  |  |   |                     |   | Office of Civil Rights (OCR) HHS - Your rights under the HIPAA Privacy Rule <a href="http://www.hhs.gov/hipaa">http://www.hhs.gov/hipaa</a> Alcohol & Drug Treatment records <a href="http://hipaa.samhasa.gov/Part2ComparisonCleared.htm">http://hipaa.samhasa.gov/Part2ComparisonCleared.htm</a> |
|  |  |  |   |   |  |  |   |                     |   | Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2<br>Confidentiality of Alcohol and Drug Abuse Patient Records, HIPAA Provision 45 CFR, Parts 160 and 164<br>PHI - HIPAA, 45 CFR Parts 160 and 164 - disclosure to covered entities with consent                            |
|  |  |  |   |   |  |  |   |                     | CO State Laws/ Regulations  |  |
|  |  |  |   |   |  |  |   |                     | Colorado Medical Records Access Laws <a href="http://www.leg.state.co.us/">http://www.leg.state.co.us/</a><br>State of Colorado Health Care Professional - Licensing Boards <a href="http://www.dora.state.co.us/reg_investigations/file_complaint.htm">http://www.dora.state.co.us/reg_investigations/file_complaint.htm</a>   |  |
|  |  |  |   |   |  |  |   |                     | Colorado Mental Health Treatment records <a href="http://www.leg.state.co.us/SRS/Art25/Health&gt;Title1Administration,Part8">http://www.leg.state.co.us/SRS/Art25/Health&gt;Title1Administration,Part8</a><br>Consent Form in CO Children's Code" (28.5) "Consent form", as used in section 19-5-305 (3)  |  |
|  |  |  |   |   |  |  |   |                     | Colorado Education Programs: Education: Must have written consent from parents before you invite an agency representative to attend any IEP meeting.<br>HB 1451 - Assist children and families received child welfare services from multiple agencies (MOU required)<br>Colorado Safe Schools Act 2000 (HB 00-1119)<br>Sharing Information Between Schools C.R.S. § 22-32-109.1(6), rev by SB00-133<br>Colorado Juvenile Risk Assessment (CJRA) C.R.S. § 19-2-922<br>SB91-94 Multi-Agency Collaborations for Youth Corrections, C.R.S. § 19-2-712 |  |

| Relevant Domains | Incident or Event Requiring Data Exchange                       | Outcome of the Incident or Action                  | Child/Incident Location | Primary Agency needing Information                  | Participating Agencies which may provide records      | Data Exchange Element Types                               | Time/ Urgency                          | Applicable Statutes  | Notes  |  |
|------------------|---|--|-------------------------|---|---|---|--|--|--|--|
| General          | Comply with Judicial issued subpoena                            | Adjudication                                       | Any                     | Court   | Any   | Any - dependent upon subpoena scope                       | Within time specified in Subpoena      | C.R.S. § 24-72-204(3)(e) (i)(i)(O); Advice C.R.S. § 19-2-706; Preliminary Hearing; C.R.S. § 19-1-304 generally and C.R.S. § 19-1-303(1) (a) when Judicial dept. involved for case management or investigation  | CO does not specifically address consent, rather exceptions and definitions to allow records to be released. If mental health or substance abuse information exists, the therapist cannot release records to the attorney without a release from the client. A subpoena duces tecum is an order to appear in court or at a deposition and bring documents or records to that proceeding. It does not constitute permission to release confidential information. You may need to get a protective order from the court. For School records: Colorado Department of Education Approval Process for Disclosure of Education Data See <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; Off Security Portal-Government Data Advisory Board-GDAB document library/Privacy Subcommittee. |  |
| General          | Filing of Petition for pretrial release                         | Adjudication                                       | Detention Facility      | Court   | Law Enforcement, Probation, Family/Soc Svcs           | Detention, medical, supervision, education records, other | w/in 72 hrs. if in custody or in PTR   | C.R.S. § 19-2-5-8(3)(e) (V) ; C.R.S. § 19-2-922; Youth Corrections involvement SB91-94, C.R.S. § 19-2-212  | CO includes the factors to be considered in pre-trial release, and Disclosure of records. Office of Civil Rights (OCR) HHS - Your rights under the HIPAA Privacy Rule <a href="http://www.hhs.gov/hipaa">http://www.hhs.gov/hipaa</a> ; Alcohol & Drug Treatment records <a href="http://hipaa.samhasa.gov/Part2ComparisonCleared.htm">http://hipaa.samhasa.gov/Part2ComparisonCleared.htm</a> ; Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2; Confidentiality of Alcohol and Drug Abuse Patient Records HIPAA Provision 45 CFR, Parts 160 and 164; PHI - HIPAA, 45 CFR Parts 160 and 164 - disclosure to covered entities with consent.   |  |
| General          | Investigation & Hearing on Transfer of motion to District Court | Adjudication                                       | Home                    | Court   | Prosecution, probation, law enforcement               | law enforcement, judicial, behavioral                     |  | C.R.S. § 19-2-518; Child consent to search C.R.S. § 19-2-506; C.R.S. § 19-1-304 generally and C.R.S. § 19-1-303(1) (a) when Judicial dept. involved for case management or investigation   | Notice to Parent - Constitutional Right to Privacy 45 CFR 164.502(g)(3)(ii)  | Includes exceptions to Juvenile records being "open". In determining the voluntariness of a juvenile's consent to a search or seizure, the court shall consider the totality of the circumstances. In juvenile cases "The judicial department or any agency that performs duties and functions under this title with respect to juvenile delinquency or dependency and neglect cases or any other provisions of this title may exchange information, to the extent necessary, for the acquisition, provision, oversight, or referral of services and support with the judicial department or any other agency or individual, including an attorney representing state or county agencies and an attorney appointed by the court, that performs duties and functions under this title with respect to such cases. In order to receive such information, the judicial department, attorney, or agency shall have a need to know for purposes of investigations and case management in the provision of services or the administration of their respective programs. The judicial department or the agencies shall exchange information in accordance with paragraph (b) of this subsection". |
| General          | Pre-Adjudication disclosure of Records                          | Adjudication                                       | Probation Office        | School  | Court, parents, law enforcement, prosecution          | court records, law enforcement data                       | none specified                         | C.R.S. § 24-72-204(3)(e) (i) (c) ; see also Colorado Safe Schools Act 2000 (HB 00-1119)  | 34 CFR. 99; see also Notice to Parent - Constitutional Right to Privacy 45 CFR 164.502(g)(3)(ii)   | CO Law deals with exceptions to public records act, but does not discuss consent generally. Office of Civil Rights (OCR) HHS - Your rights under the HIPAA Privacy Rule <a href="http://www.hhs.gov/hipaa">http://www.hhs.gov/hipaa</a> ; Alcohol & Drug Treatment records <a href="http://hipaa.samhasa.gov/Part2ComparisonCleared.htm">http://hipaa.samhasa.gov/Part2ComparisonCleared.htm</a> ; Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2; Confidentiality of Alcohol and Drug Abuse Patient Records HIPAA Provision 45 CFR, Parts 160 and 164; PHI - HIPAA, 45 CFR Parts 160 and 164 - disclosure to covered entities with consent.   |
| General          | Municipal Adjudication - charging actions, adjudication         | adjudication                                       | school                  | School  | Court, parents, law enforcement                       | law enforcement, municipal records, other                 | With consent                           | C.R.S. § 19-1-303(2)(b)(ii); C.R.S. § 19-1-303(6)(a.3); C.R.S. § 19-1-103(34.6); C.R.S. § 24-72-302(3)   | Definitions section in CO addresses circumstances and case types not consent. Office of Civil Rights (OCR) HHS - Your rights under the HIPAA Privacy Rule <a href="http://www.hhs.gov/hipaa">http://www.hhs.gov/hipaa</a> ; Alcohol & Drug Treatment records <a href="http://hipaa.samhasa.gov/Part2ComparisonCleared.htm">http://hipaa.samhasa.gov/Part2ComparisonCleared.htm</a> ; Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2; Confidentiality of Alcohol and Drug Abuse Patient Records HIPAA Provision 45 CFR, Parts 160 and 164; PHI - HIPAA, 45 CFR Parts 160 and 164 - disclosure to covered entities with consent  |  |
| General          | Adjudication Data release                                       | Adjudication Action, Placement, Release to parents | Any                     | School, Probation, Treatment, Diversion, Caseworker | School, Law Enforcement, Family Services, Prosecution | supervision, health records, judicial records             | As soon as possible after adjudication | Trial Plea C.R.S. § 19-2-709 Deferred Adjudication C.R.S. § 19-2-708; C.R.S. § 19-1-303(2)(b)(ii); C.R.S. § 19-1-303(6)(a.3); C.R.S. § 19-1-103(34.6); C.R.S. § 24-72-302(3); C.R.S. § 19-2-709 ; Conviction Unlawful Sexual behavior C.R.S. § 24-72-302(3) ; C.R.S. § 19-1-304 generally and C.R.S. § 19-1-303(1) (a) when Judicial dept. involved for case management or investigation | Time frame for agreement generally 5 days.   | Deferral can be agreed to in writing. Court may give advisement of restorative justice options, but no guarantee. CO sections discuss judicial records disclosure, but do not define written consent processes. Office of Civil Rights (OCR) HHS - Your rights under the HIPAA Privacy Rule <a href="http://www.hhs.gov/hipaa">http://www.hhs.gov/hipaa</a> ; Alcohol & Drug Treatment records <a href="http://hipaa.samhasa.gov/Part2ComparisonCleared.htm">http://hipaa.samhasa.gov/Part2ComparisonCleared.htm</a> ; Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2; Confidentiality of Alcohol and Drug Abuse Patient Records HIPAA Provision 45 CFR, Parts 160 and 164; PHI - HIPAA, 45 CFR Parts 160 and 164 - disclosure to covered entities with consent  |

|         |  |   |                                     |   |  |   |  |  |   |   |
|---------|--|---|-------------------------------------|---|--|---|--|--|---|---|
| General | Adjudicated delinquent child scheduled for initial post adjudication probation hearing to develop the contract and set probation conditions. | Adjudication Action, Possibly treatment Program as condition of probation | Other: Probation or Court Office    | Probation   | Probation, School, Law Enforcement, DA, Family/Soc Svcs, JAC?        | Substance abuse, Prior arrest/ law enforcement, education, judicial record, detention record, victim statements, other. | Within 1 week of scheduling initial meeting with Probation Officer   | C. R.S. § Title 18; see also C. R.S. § 19-3-304; School reasonable Cause to suspect C. R.S. § 19-1-304(2)(a)(XV); C. R.S. § 19-1-303(1)(a); Treatment without consent;   | See also 42 CFR §2.12(c)(6) and privacy rule. See 45 CFR §164.512(b)(1)(ii); Notice of 45 CFR §164.520(c)(3)                        |   |
| General | Disclosures - General in State Law Re: Juvenile Information Exchange   | Assessment, Placement, Treatment  | Any                                 | Any CCYIS agency  | CCYIS agencies   | Any data covered by state law   |  | C.R.S. §13-21-117, C.R.S. §18-8-115; C.R.S. § 19-1-103; C.R.S. § 19-1-303; C.R.S. § 19-3-304; C.R.S. § 19-3-304; C.R.S. § 22-33-105; C.R.S. § 22-33-106; C.R.S. § 22-33-106.6; C.R.S. § 22-33-109.1; C.R.S. § 22-33-107.5; C.R.S. § 24-72-204; C.R.S. § 24-72-302; C.R.S. § 27-10-101, et seq.; HB1451; Colorado Safe Schools Act 2000 HB 00-1119; Colorado Juvenile Risk Assessment; Youth Corrections SB91-94, C.R.S. § 19-2-212 | 34 CFR 99, 20 USC 1232  | CO Education and School Safety statutes define parents duty to provide contact information and enrollment. CO law discusses liability, duty to warn, and determination of threat. For HIPAA see: <a href="http://www.cdhs.state.co.us/hipaa/HIPAA-PoliciesandProcedures.htm">http://www.cdhs.state.co.us/hipaa/HIPAA-PoliciesandProcedures.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee; For CO specific see: g) The confidentiality of all information, except for non-identifying information as defined in section 19-1-103 (80) that may be accessed as provided in part 4 of this article, obtained by the department and the child placement agency in the course of relinquishment counseling unless the parent provides written permission or a release of information is ordered by a court of competent jurisdiction and except for a copy of an original birth certificate that may be obtained by an adult adoptee, adult descendant of an adoptee, or a legal representative of the adoptee or descendant as authorized by section 19-5-305. The counseling shall also include notice that a birth parent has the opportunity to file a written statement specifying that the birth parent's information remain confidential, an explanation of the rights and responsibilities of birth parents who disagree about consent as set forth in section 19-5-305 (2), and notice that a birth parent has the opportunity to sign and submit a contact preference form and updated medical history statements to the state registrar as set forth in section 19-5-305 (1.5).   |
| General | Act involving Sexual Assault/ Sex offense  | Determination, Treatment, Intake/ Adjudication                            | School, home                        | Family/Soc Svcs, Prosecution, Family Support Organization, CASA | School, Family/Soc Svcs, probation, Prosecution                      | Health Records, family records, judicial records  | ASAP with consent  | Specific provisions on consent. Enforcement Records concerning Student, Attorney General Model Acts for data exchange. C.R.S. § 19-1-304(2)(a)(XV); Conviction Unlawful Sexual Behavior C.R.S. § 24-72-302(3); C.R.S. § 19-1-304 generally and C.R.S. § 19-1-303(1) (a) when Judicial dept. involved for case management or investigation; 38 C.R.S. § 13-22-106; 39 C.R.S. § 13-22-106(2)(a); C.R.S. § 13-22-106(2)(b)            |   | 13-22-106. Minors - consent - sexual offense. (1) Any physician licensed to practice in this state, upon consultation by a minor as a patient who indicates that he or she was the victim of a sexual offense pursuant to part 4 of article 3 of title 18, C.R.S., with the consent of such minor patient, may perform customary and necessary examinations to obtain evidence of the sexual offense and may prescribe for and treat the patient for any immediate condition caused by the sexual offense.<br>(2) (a) Prior to examining or treating a minor pursuant to subsection (1) of this section, a physician shall make a reasonable effort to notify the parent, parents, legal guardian, or any other person having custody or decision-making responsibility with respect to the medical care of such minor of the sexual offense.<br>(b) So long as the minor has consented, the physician may examine and treat the minor as provided for in subsection (1) of this section whether or not the physician has been able to make the notification provided for in paragraph (a) of this subsection (2) and whether or not those notified have given consent, but, if the person having custody or decision-making responsibility with respect to the minor's medical care objects to treatment, then the physician shall proceed under the provisions of part 3 of article 3 of title 19, C.R.S.<br>(c) Nothing in this section shall be deemed to relieve any person from the requirements of the provisions of part 3 of article 3 of title 19, C.R.S., concerning child abuse.<br>(3) If a minor is unable to give the consent required by this section by reason of age or mental or physical condition and it appears that the minor has been the victim of a sexual assault, the physician shall not examine or treat the minor as provided in subsection (1) of this section but shall proceed under the provisions of part 3 of article 3 of title 19, C.R.S.<br>(4) A physician shall incur no civil or criminal liability by reason of having examined or treated a minor pursuant to subsection (1) of this section, but this immunity shall not apply to any negligent acts or omissions by the physician.<br>(b) Court records - limited. With consent of the court, records of court proceedings in delinquency cases may be inspected by any other person having a legitimate interest in the proceedings. "Sexual offenses" are defined in reference to Part 4 of Article 3 of Title 18 of the Colorado Revised Statutes. They include the crimes of sexual assault, sexual assault on a child, and unlawful sexual contact, among others.<br>"Prior to examining or treating a minor [under this section], a physician shall make a reasonable effort to notify |
| General | Child taken into custody by Law Enforcement/ local sheriff for various reasons, and transported to JAC for Screening                         | Intake Assessment   | School, public, home, vehicle       | Family/Soc Svcs, JAC  | School, probation, substance abuse, JAC, Family/Soc Svcs, caseworker | supervision data, probation data (if school safety officer- education records), behavior records)                       | ASAP with consent  | C.R.S. § 19-1-303(1)(a)  |   | Statute specifically looks at electronic records and cross-references/ defines applicable agencies and attorneys.<br>(3) (a) Any juvenile committed to the Department of Human Services may be transferred temporarily to any state treatment facility for persons with mental illness or developmental disabilities for purposes of diagnosis, evaluation, and emergency treatment; except that no juvenile may be transferred to a mental health facility until the juvenile has received a mental health hospital placement prescreening resulting in a recommendation that the juvenile be placed in a facility for evaluation pursuant to sections 27-65-107 or 27-65-106, C.R.S.  |
| General | Incident on site (School, Treatment Facility) where police are called and child is taken into custody  | Intake/ Assessment  | School or treatment facility        | Family/Soc Svcs, JAC  | School, probation, substance abuse, JAC, Family/Soc Svcs, caseworker | supervision data, probation data (if school safety officer- education records), behavior records                        | ASAP with consent, unless emergency situation, 6 hours limit if at JAC. See Mental Health Notes. Can be held 72 hours by licensed addiction counselor  | C.R.S. §19- 1-303(2)(b)(i); C.R.S. §19-1-303(6)(a, b); C.R.S. §19-1-103(34-6); C.R.S. §24-72-302(3). See also 2 CCR 502-1; Colorado Safe Schools Act 2000 (HB 00-1119); C.R.S. § 22-33-109.1 (3)(c) Criminal Offenses by Students and Directed Toward School Employees.  | 45 CFR §164.512(f)(5); 45 CFR §164.502(j)(2); See also Notice to Parent - Constitutional Right to Privacy 45 CFR 164.502(g)(3)(ii); | CO statutes look to define who can access open records, but do not specifically address written consent. Exceptions for judicial and prosecution, as well as delinquent acts defined. Disclosure to Law Enforcement of crime on premises, see also Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee. 2 CCR 502-1 Consent to receive mental health services from a facility or a professional person (Mentally III) See also Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee  |
| General | Agency Screening in Abuse/ Neglect Matter  | Intake Assessment, Treatment, Release to Parent, Referral to DA           | School, home, public place, vehicle | Fam Services, Prosecution                                       | Caseworker, school, Law enforcement, probation Family/Soc Svcs       | Medical treatment, judicial records, law enforcement record, family records   | ASAP with consent, unless emergency situation, 6 hours limit if at JAC. See Mental Health Notes. Can be held 72 hours by licensed addiction counselor. | C.R.S. § 19-1-304(2)(a)(XV); C.R.S. § 19-1-303(1)(a) See also social workers records see C.R.S. § 12-43-218; See also HB 1451  | 42 CFR §2.12(c)(6) and privacy rule. See 45 CFR §164.512(b)(1)(ii); Notice of 45 CFR §164.520(c)(3)                                 | CO required consent for therapy and counseling records and "confidential communications." 6 CCR 1008-1   15,000 ALCOHOL AND OTHER DRUG ABUSE/DEPENDENCE TREATMENT STANDARDS B. Informed consent to medical detoxification. A. Minors may voluntarily apply for admission to alcohol/other drug abuse treatment with or without parental or legal guardian consent. 6 CCR 1008-1   15,000 ALCOHOL AND OTHER DRUG ABUSE/DEPENDENCE TREATMENT STANDARDS 2. Consent to release client information. 4 CCR 726-1 (a) General. Licensees and registrants are required to report violations of CRS 12-43-222 to the appropriate Board once they have direct knowledge that a licensee or registrant or any other individual regulated under the Colorado mental health statute has violated a provision of CRS 12-43-222. Licensees or registrants are not required to report when such reporting would violate client/therapist confidentiality without first obtaining client consent (refer to CRS 12-43-218). Licensed Addiction Counselors can place a person under a 72-hour mental health hold provided they meet certain additional qualifications in psychiatric or clinical mental health therapy, forensic psychotherapy, or the evaluation of mental disorders.   |
| General | Detention screening and assessment   | Intake/ Assessment in Detention   | Detention facility, JAC             | Probation, Detention, Caseworker                                | Any  | Supervision, law enforcement records, detention reports, judicial records, behavior reports                             | ASAP. Need to hold detention hearing w/in 48 hours, with consent   | Release following cause - w/in 48 Hours C.R.S. §19-2-508; Youth Corrections/ Social Services Placement SB91-94, C.R.S. § 19-2-212. Statute also defined process and time line for future actions including filing of charges and pre adjudication hearings.  | 42 CFR §2.14(c)(2) - Parental Consent; Revocation see 42 CFR §2.31(a)(8); Written Revocation see 45 CFR §164.508(b)(5)              | 19-2-508. Detention and shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions. (1) A juvenile who must be taken from his or her home but who does not require physical restriction shall be given temporary care in a shelter facility designated by the court or the county department of social services and shall not be placed in detention. (2) When a juvenile is placed in a detention facility, in a temporary holding facility, or in a shelter facility designated by the court, the screening team shall promptly so notify the court. The screening team shall also notify a parent or legal guardian or, if a parent or legal guardian cannot be located within the county, the person with whom the juvenile has been residing and inform him or her of the right to a prompt hearing to determine whether the juvenile is to be detained further. The court shall hold such detention hearing within forty-eight hours, excluding Saturdays, Sundays, and legal holidays. (3) (a) (I) A juvenile taken into custody pursuant to this article and placed in a detention or shelter facility or a temporary holding facility shall be entitled to a hearing within forty-eight hours, excluding Saturdays, Sundays, and legal holidays, of such placement to determine if he or she should be detained. The time in which the hearing shall be held may be extended for a reasonable time by order of the court upon good cause shown....<br>(II) With respect to this section, the court may further detain the juvenile if the court is satisfied from the information provided at the hearing that the juvenile is a danger to himself or herself or to the community. Any information having probative value shall be received regardless of its admissibility under the rules of evidence. In determining whether a juvenile requires detention, the court shall consider any record of any prior adjudications of the juvenile. There shall be a rebuttable presumption that a juvenile is a danger to himself or herself or to the community if: (A) The juvenile is alleged to have committed a felony enumerated as a crime of violence pursuant to section 18-1.3-406, C.R.S   |

|         |   |   |                             |   |   |   |  |   |  |  |
|---------|---|---|-----------------------------|---|---|---|--|---|--|--|
| General | Act by child involving Firearms or explosives   | Intake/ Assessment, Detention, placement, Adjudication action | Any                         | School  | Family/Soc Svcs, Probation, Prosecution, Caseworker   | Law Enforcement records   | ASAP - Consent not needed if emergency, health and safety. | Enforcement Records concerning Student, Attorney General Model Acts for data exchange- C.R.S. § 19-1-304(2)(a)(XV); HB 00-1119; C.R.S. § 303(2)(b)(i)   | 45 CFR §164.512(f)(5).   | (A) The juvenile is alleged to have committed a felony enumerated as a crime of violence pursuant to section 18-1.3-406, C.R.S.; or (B) The juvenile is alleged to have used, or possessed and threatened to use, a firearm during the commission of any felony offense against a person, as such offenses are described in article 3 of title 18, C.R.S.; or (C) The juvenile is alleged to have committed possessing a dangerous or illegal weapon, as described in section 18-12-102, C.R.S.; possession of a defaced firearm, as described in section 18-12-103, C.R.S.; unlawfully carrying a concealed weapon, as described in section 18-12-105, C.R.S.; unlawfully carrying a concealed weapon on school, college, or university grounds, as described in section 18-12-105.5, C.R.S.; prohibited use of weapons, as described in section 18-12-106, C.R.S.; illegal discharge of a firearm, as described in section 18-12-107.5, C.R.S.; or illegal possession of a handgun by a juvenile, as described in section 18-12-108.5, C.R.S.  |
| General | Arrest of child by law enforcement for felony   | Intake/ assessment, Detention, Referral to DA                 | Any                         | Law enforcement, DA, JAC  | School, Law enforcement, Probation, JAC   | Law Enforcement records   | ASAP - 6 hours limit at JAC, LE hold ___                   | C.R.S. § 19-1-103   |  | 13-1-119.5. Electronic access to name index and register of actions. (1) Statewide electronic read-only access to the name index and register of actions of public case types shall be made available to the following agencies or attorneys appointed by the court: (a) County departments as defined in section 19-1-103 (32), C.R.S., and attorneys who represent the county departments as county attorneys, as defined in section 19-1-103 (31.5), C.R.S., as it relates to the attorneys' work representing the county; (b) The office of the state public defender, created in section 21-1-101, C.R.S.; (c) Guardians ad litem under contract with the office of the child's representative, created in section 13-91-104, or authorized by the office of the child's representative to act as a guardian ad litem, as it relates to a case in which they are appointed by the court; (d) Attorneys under contract with the office of the alternate defense counsel, created in section 21-2-101, C.R.S., as it relates to a case in which they are appointed by the court; (e) Respondent parent counsel appointed by the court and paid by the judicial department as it relates to a case in which they are appointed by the court; and (f) Criminal justice agencies as described in section 24-72-302 (3), C.R.S. (2) The supreme court may adopt rules regarding access to the name index and register of actions, including rules identifying confidential information maintained in the system and state requirements for using the confidential information. All agencies with access pursuant to subsection (1) of this section shall ensure that individuals who use the system receive training on appropriate usage and confidentiality of register of action information. Additionally, the state court administrator may monitor the use of the system and information through audits and the review of ad hoc queries or reports.  |
| General | Arrest of child by law enforcement for misdemeanor  | Intake/ assessment, Detention, Referral to DA                 | Any                         | Law enforcement, DA, JAC  | School, Law enforcement, Probation, JAC   | Law Enforcement records   | ASAP - 6 hours limit at JAC, LE hold ___                   | C.R.S. § 19-1-103   |  | 13-1-119.5. Electronic access to name index and register of actions. (1) Statewide electronic read-only access to the name index and register of actions of public case types shall be made available to the following agencies or attorneys appointed by the court: (a) County departments as defined in section 19-1-103 (32), C.R.S., and attorneys who represent the county departments as county attorneys, as defined in section 19-1-103 (31.5), C.R.S., as it relates to the attorneys' work representing the county; (b) The office of the state public defender, created in section 21-1-101, C.R.S.; (c) Guardians ad litem under contract with the office of the child's representative, created in section 13-91-104, or authorized by the office of the child's representative to act as a guardian ad litem, as it relates to a case in which they are appointed by the court; (d) Attorneys under contract with the office of the alternate defense counsel, created in section 21-2-101, C.R.S., as it relates to a case in which they are appointed by the court; (e) Respondent parent counsel appointed by the court and paid by the judicial department as it relates to a case in which they are appointed by the court; and (f) Criminal justice agencies as described in section 24-72-302 (3), C.R.S. (2) The supreme court may adopt rules regarding access to the name index and register of actions, including rules identifying confidential information maintained in the system and state requirements for using the confidential information. All agencies with access pursuant to subsection (1) of this section shall ensure that individuals who use the system receive training on appropriate usage and confidentiality of register of action information. Additionally, the state court administrator may monitor the use of the system and information through audits and the review of ad hoc queries or reports.  |
| General | Arson by a juvenile   | Intake/ assessment, Detention, Referral to DA                 | Any                         | Law enforcement, DA, JAC  | School, Law enforcement, Probation, JAC   | Law Enforcement records   | ASAP - 6 hours limit at JAC, LE hold ___                   | Enforcement Records concerning Student, Attorney General Model Acts for data exchange- C.R.S. §19-1-304(2)(a)(XV); HB 00-1119; C.R.S. § 19-303(2)(b)(i) | 45 CFR §164.512(f)(5).   | CO statutes generally address when record data can be shared, but not specifics on consent.  |
| General | Child wandering in public during school hours is brought to assessment center by local law enforcement (truancy?)       | Intake/ Assessment  | Public Place                | Law Enforcement   | School, Parent/ Guardians   | Family, school records, Wants/Warrants  | ASAP to process, can only hold child at JAC for 6 hours    | C.R.S. § 19-1-210 CASA; C.R.S. § 22-33-103  | If homeless issue 42 UCS § 11431   | CASA - Upon appointment of a CASA volunteer, the court shall issue an order authorizing access to such records and other information relating to the child, parent, legal guardian, or other parties in interest as the court deems necessary. School attendance laws. If child taken into custody is homeless see consent procedures in McKinney Vento Homeless Assistance Act  |
| General | Child detained for Screening while in Police Custody – transported to JAC after initial apprehension by Law Enforcement | Intake/ Assessment in Custody and/ or in Detention            | Any                         | Law Enforcement, Probation, JAC, Court, Family/Soc Svcs, School | Any   | Supervision, Detention, Family, Behavior, Judicial, Law Enforcement Records                 | ASAP to process, can only hold child at JAC for 6 hours;   | C.R.S. § 19-2-507 (2); Transfers to Human Services C.R.S. §19-2-923   |  | 19-2-923. Juveniles committed to department of human services - transfers. (1) The executive director of the department of human services may transfer any juvenile committed under section 19-2-601 or 19-2-907 among the facilities established under sections 19-2-403 and 19-2-406 to 19-2-408; except that, before any juvenile is transferred, he or she shall be examined and evaluated, and such evaluation shall be reviewed by the said executive director before he or she approves the transfer. (2) When the executive director of the department of human services finds that the welfare and protection of a juvenile or of others requires the juvenile's immediate transfer to another facility, he or she shall make the transfer prior to having the juvenile examined and evaluated. (3) (a) Any juvenile committed to the department of human services may be transferred temporarily to any state treatment facility for persons with mental illness or developmental disabilities for purposes of diagnosis, evaluation, and emergency treatment; except that no juvenile may be transferred to a mental health facility until the juvenile has received a mental health hospital placement prescreening resulting in a recommendation that the juvenile be placed in a facility for evaluation pursuant to section 27-65-105 or 27-65-106, C.R.S. No juvenile committed to the department as an aggravated juvenile offender or violent juvenile offender shall be transferred until the treatment facility has a secure setting in which to house the juvenile. The period of temporary transfer pursuant to this paragraph (a) shall not exceed sixty days. (b) When a juvenile has remained in the treatment facility for sixty days, the treatment facility shall determine whether the juvenile requires further treatment or services, and, if so, the treatment facility shall confer with the sending facility concerning continued placement. If both facilities agree that the juvenile should remain in the treatment facility, the executive director of the department of human services shall be notified of the recommendation, and he or she may authorize an additional sixty-day placement. When an additional placement is authorized, the court shall be notified of the transferred placement. (c) During each subsequent sixty-day placement period, the juvenile shall be reevaluated by both the treatment facility and the sending facility to determine the need for continued transferred placement. The juvenile shall remain in transferred placement until the facilities agree that such placement is no longer appropriate. At that time the juvenile shall be transferred back to the sending facility or to any other facility that the department determines to be appropriate. The period of placement shall not exceed the length of the original commitment to the department of human services unless authorized by the court after notice and a hearing. (d) When a juvenile is in continued transferred placement and the |
| General | Child remains in custody / Detention  | Intake/Assessment in Detention or custody                     | Detention facility          | Caseworker  | School, law enforcement, probation, substance abuse, Prosecution Natl/ State LE, Caseworker | Supervision, law enforcement records, detention reports, judicial records, behavior reports | If consent already signed for assessment                   | C.R.S. § 19-2-508(3); if transferred to human services C.R.S. §19-2-923; (CJRA) C.R.S. §19-2-923  |  | Upon receipt of the Petition, a custody / shelter hearing is held to determine where the children will remain through the duration of the case. Cases of this type can last several months, and with the real harm to children from being away from their parents. The custody / shelter hearing is held pretty quickly after the initial appearance on the Petition, with the goal to have the children returned to their parents or to relatives. Licensed Addiction Counselors can place a person under a 72-hour mental health hold provided they meet certain additional qualifications in psychiatric or clinical mental health therapy, forensic psychotherapy, or the evaluation of mental disorders.  |
| General | Child Participating in interagency Support Team - Assessment  | Intake/ Assessment, placement, release to parent              | JAC or Agency Team Location | Caseworker  | Any   | any dependent upon support reasons  | ASAP with consent, JAC can only hold 6 hours               | C.R.S. § 24-72-204(3)(d)(III); SB91-94, C.R.S. § 19-2-212   | 34 CFR .99 ;42 CFR §2.23. (Part 2 not the Privacy Rule requires programs); 34 CFR 99 | See 19-2-212. Working group for criteria for placement of juvenile offenders - establishment of formula - review of criteria. Consent not specifically addressed. Cross reference to other sections for data and information sharing definitions.  |
| General | Delinquent Act committed by child and child taken to JAC  | Intake/ Assessment, placement, release to parent              | Any                         | Law enforcement   | School, Probation, Court, JAC, Family/Soc Svcs.   | law enforcement records, judicial records   | ASAP - 6hrs limit at JAC                                   | SB91-94, C.R.S. § 19-1-303 (2) (a)  |  | See CO Office of the Attorney General: CO Juvenile Information Exchange Laws: A model for implementation. Depends why Law Enforcement took into custody and where.   |

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|-----------|---|---|-------------------------------------|--|--|--|---|---|---|--|
| General   | Family Conflict Situation Screening/ Assessment   | Intake/ Assessment, placement, release to parent  | Home                                | Family/Soc Svcs  | School, law enforcement, Family Support, Probation, other          | Counseling, Family Records, Behavior Reports   | ASAP with consent, unless emergency situation, 6 hours limit if at JAC. See Mental Health Notes, Can be held 72 hours by licensed addiction counselor.  | C.R.S. §19-1-103; See also HB1451   | 45 CFR §164.502(c)(2)(i)(B); See also Notice to Parent - Constitutional Right to Privacy 45 CFR 164.502(g)(3)(ii)   | (28) "Consent", as used in part 3 of article 5 of this title, means voluntary, informed, written consent. When used in the context of confidential intermediaries, "consent" always shall be preceded by an explanation that consent permits the confidential intermediary to arrange a personal contact among biological relatives. "Consent" may also mean the agreement for contact or disclosure of records by any of the parties identified in section 19-5-304 (2) as a result of an inquiry by a confidential intermediary pursuant to section 19-5-304 |
| General   | Act involving cruelty to Animals by a juvenile or other violent act by juvenile                   | Placement, Release to Parent/Guardian, Adjudication Action                                      | School, home, public place, vehicle | School, Parent/Guardian, Family/Soc Svcs, Probation, Prosecution | Law Enforcement, Prosecution, Probation, Court                     | Judicial Records, Wants/Warrants   | ASAP with consent   | Enforcement Records concerning Student, Attorney General Model Acts for data exchange. C.R.S. § 19-1-304(2)(a)(XV). C.R.S. Title 18. Criminal Code. Article 9 § 18-9-202. Offenses Against Public Peace, Order, and Decency. Part 2. Cruelty to Animals. Title 35. Agriculture. Livestock. Article 42. Animal Protection.   | (A) The juvenile is alleged to have committed a felony enumerated as a crime of violence pursuant to section 18-1-3-406, C.R.S.; or (B) The juvenile is alleged to have used, or possessed and threatened to use, a firearm during the commission of any felony offense against a person, as such offenses are described in article 3 of title 18, C.R.S.; or (C) The juvenile is alleged to have committed possessing a dangerous or illegal weapon, as described in section 18-12-102, C.R.S.; possession of a defaced firearm, as described in section 18-12-103, C.R.S.; unlawfully carrying a concealed weapon, as described in section 18-12-105, C.R.S.; unlawfully carrying a concealed weapon on school, college, or university grounds, as described in section 18-12-105.5, C.R.S.; prohibited use of weapons, as described in section 18-12-106, C.R.S.; illegal discharge of a firearm, as described in section 18-12-107.5, C.R.S.; or illegal possession of a handgun by a juvenile, as described in section 18-12-108.5, C.R.S. |  |
| General   | Child Abuse Reporting by any official   | Placement, Treatment, Referral to DA, Release to Parent   | School, Public Place, Vehicle       | Family/Soc Svcs, Family Support                                  | School, Law Enforcement, Probation, JAC, Caseworker                | Medical Treatment, Law Enforcement Records, Judicial Records, Family Records                         | ASAP with consent, unless emergency situation, 6 hours limit if at JAC  | School reasonable Cause to suspect C.R.S. §19-1-304(2)(a)(XV); C.R.S. § 19-1-303(1)(a) ; Title 19 CRS; See also HB 1451   | 42 CFR §2.12(c)(6) and privacy rule 45 CFR §164.512(b)(1)(ii); Notice of. 45 CFR §164.520(c)(3); 42 CFR §2.12(c)(6) and privacy rule.   | Mental health professionals are specifically cited under the Colorado Children's Code (please refer to Title 19 of the Colorado Revised Statutes) to report child abuse; they are also required to report child abuse under the Colorado Mental Health Statute as it is considered a generally accepted standard of these professions to report child abuse.   |
| General   | Filing Petition for Misdemeanor or Felony action  | Referral to DA  | Court                               | Law Enforcement, Prosecution, Probation, Court                   | Court, law enforcement,  | time defined   | C.R.S. §19-303(2)(b)(ii); C.R.S. §9-103(6)(a,3); C.R.S. §19-1-103(34.6); C.R.S. § 24-72-302(3) C.R.S. § 103(34.6); C.R.S. §24-72-302(3); C.R.S. § 19-1-304 generally and C.R.S. § 19-1-303(1) (a) when Judicial dept. involved for case management or investigation | Office of Civil Rights (OCR) HRS - Your rights under the HIPAA Privacy Rule <a href="http://www.hhs.gov/hipaa">http://www.hhs.gov/hipaa</a> ; Alcohol & Drug Treatment records <a href="http://www.hipaa.sambhansa.gov/Part2ComparisonCleared.htm">http://www.hipaa.sambhansa.gov/Part2ComparisonCleared.htm</a> ; Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2; Confidentiality of Alcohol and Drug Abuse Patient Records HIPAA Provision 45 CFR, Parts 160 and 164; PHI - HIPAA, 45 CFR Parts 160 and 164 - disclosure to covered entities with consent. In Colorado 11-51-601. Investigations - subpoenas. |   |  |
| General   | Misdemeanor or Felony - charging actions  | Referral to DA  | Detention Facility                  | Prosecution  | School, law enforcement, Prosecution                               | Wants/ warrants, law enforcement records, education, other   | With consent  | C.R.S. §19-303(2)(b)(ii); C.R.S. §9-103(6)(a,3); C.R.S. §19-1-103(34.6); C.R.S. §24-72-302(3)   | In Colorado 11-51-601. Investigations - subpoenas.  |  |
| General   | Filing Petition for municipal offense   | Release to parent   | Public Place                        | Parent, Family/Soc Svcs, Diversion                               | Law enforcement, school, Family/Soc Svcs, caseworker               | Court  | time defined  | C.R.S. §19-1-303(2)(b)(ii); C.R.S. §19-1-303(6)(a,3); C.R.S. §19-1-103(34.6); C.R.S. §24-72-302(3)  |   |  |
| General   | Pre-Trial Release   | Release to Parent   | Detention facility                  | Court  | Law enforcement, prosecution, probation, school                    | Detention, education, supervision, law enforcement, wants/ warrants                                  | Within 12 hours, 6 if held at JAC, consent required   | C.R.S. § 19-2-512; Inf in detention/custody C.R.S. §19-2-923  | CO defines the terms and cross references to the various delinquency, abuse and neglect and ordinance sections - for example "i) "Petition in delinquency" means any petition filed by a district attorney pursuant to section 19-2-512, C.R.S  |  |
| General   | Enter into Probation Contract   | Release to parent, Placement  | Probation Office                    | Probation  | School, law enforcement, substance abuse, court, prosecution, CASA | Supervision, treatment data, behavior reports, family records, payment/restitution. Education, other | Specific to Probation Contract  | C.R.S. § 19-1-304(5.5) ; Conviction Unlawful Sexual behavior C.R.S. § 24-72-302(3); C.R.S. § 19-1-304 generally and C.R.S. § 19-1-303(1) (a) when Judicial dept. involved for case management or investigation  | Probation records - limited access. Except as otherwise authorized by section 19-1-303, a juvenile probation officer's records, whether or not part of the court file, shall not be open to inspection except as provided in subparagraphs (l) to (x) of this paragraph.  |  |
| General   | Release from Custody (JAC, Detention, Secure Custody) back to school                              | Release to parent/ school   | Detention facility                  | Court  | JAC, Law enforcement, Detention, Prosecution                       | Detention, education, supervision, law enforcement, wants/ warrants                                  | Within 12 hours, 6 if held at JAC, consent required; see notes on 48 hour hold  | Temp Facility – Holding (non JAC) C.R.S. §19-2-507(1); Temp Facility Holding (non JAC) C.R.S. §19-2-507(1); Detention C.R.S. § 19-2-507; w/in 48 Hours C.R.S. §19-2-508; see also Colorado Safe Schools Act 2000 (HB 00-1119); CJRA C.R.S. §19-2-923  |   |  |
| Education | Filing of a Petition for Delinquency - Request school records                                     | Adjudication  | School                              | Any  | All agencies   | education  | Time specified in Request, Consent Required   | C.R.S. § 24-72-302 (1); C.R.S. § 19-1-304(5.5) (revised by SB 00-133  | 34 CFR .99  | Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee; Can disclose educational records without consent to "School Officials" (includes school's Law Enforcement Unit/School Safety Officers). School's Law enforcement unit records are excluded from definition of "Education Records" under FERPA                   |
| Education | Notify School of Issuance of Summons for child to appear in misdemeanor, court action or deferral | Adjudication  | School                              | Court  | School, Law enforcement  | Education  | Time specified in Request, Consent Required   | C.R.S. §19-1-303(2)(b)(ii); C.R.S. §19-1-303(6)(a,3); C.R.S. §19-1-103(34.6); C.R.S. §24-72-302(3); C.R.S. §22-33-106.5(2) ; SB91-94, C.R.S. § 19-2-212   | Generally addressed by FERPA and Federal Constitutional rights. Detail is at state level.   |  |
| Education | Notify school of court action date (inc. hearing, adjudication, probation, pre-trial)             | Adjudication Action   | Probation Office                    | School   | Court, Prosecution, CASA   | Judicial Records   | Before child returns to school  | C.R.S. § 19-1-303(2)(b)(ii); C.R.S. § 19-1-303(6)(a,3); C.R.S. § 19-1-103(34.6); C.R.S. § 24-72-302(3)  | Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee   |  |
| Education | Damage to School Property by Juvenile   | Determination, Referral to DA   | School                              | Prosecution  | School, Law enforcement  | law enforcement records  | Within investigation time, consent required   | C.R.S. § 22-33-109.1(3)(c) C.R.S. § 22-33; Colorado Safe Schools Act 2000 (HB 00-1119) 109.1(3) (c)   | Colorado Model Data exchange  |  |
| Education | Request from any agency for school attendance records   | Determination/ Placement  | School                              | Any  | School   | School attendance records  | ASAP with consent   | C.R.S. §19-2-703; C.R.S. § 19-1-303(2)(c) and see School Attendance Law of 1963, Title 22, Article 33, Part 1 C.R.S.  | 34 CFR. 300.301 et seq.   | Colorado Department of Education Approval Process for Disclosure of Education Data See <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee   |
| Education | Act that compromises school or community safety on school property                                | Intake Assessment, Referral to DA, Release, Detention   | School                              | School   | School, Law Enforcement, Nat/State LE, Probation, Prosecution      | School, Supervision, law enforcement records, wants/warrants   | ASAP - No consent required if public safety   | Colorado Safe Schools Act 2000 (HB 00-1119); Risk Assessment C.R.S. §19-2-922; SB91-94, C.R.S. § 19-2-212   | 45 CFR §164.512(f)(5).  | Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee  |
| Education | Student "Career" History  | Intake/ Assessment  | School                              | School   | JAC, Law Enforcement, Family/Soc Svcs, probation, court            | Any  |   | HB 00-1119; C.R.S. § 303(2)(b)(ii)  | Notice to Parent - Constitutional Right to Privacy 45 CFR 164.502(g)(3)(ii)   | see also Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee   |
| Education | Child taken into custody by Law Enforcement at school   | Intake/ Assessment, Detention, Intake/Assessment in Custody, Release to parents, referral to DA | School                              | School, Law Enforcement  | School, Probation, JAC, Caseworker                                 | varies   | ASAP with consent, ASAP - 6 hrs. limit if at JAC  | C.R.S. §19-1-303(2)(a), Child taken into custody C.R.S. §19-2-502; Colorado Safe Schools Act 2000 (HB 00-1119)  | 34 CFR 99   | Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee  |

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| Education | Gang Affiliation suspected by school officer   | Intake/ Assessment   | School                              | School  | Law enforcement, Nat/State LE, JAC, Detention   | Behavior Reports, wants/warrants   | ASAP with Consent, unless public safety issue  | HB 00-1119; C.R.S. § 303(2)(b)(i)   | See federal regulations regarding criminal activity  | Model Notification of Rights under FERPA for Elementary and Secondary Schools . If in detention or in area with adults:<br>(e) The official in charge of a jail, lockup, or other facility for the confinement of adult offenders that receives a juvenile for detention should, wherever possible, take such measures as are reasonably necessary to restrict the confinement of any such juvenile with known past or current affiliations or associations with any gang so as to prevent contact with other inmates at such jail, lockup, or other facility. The official should, wherever possible, also take such measures as are reasonably necessary to prevent recruitment of new gang members from among the general inmate population. For purposes of this paragraph (e), "gang" is defined in section 19-1-103 (52).<br><br><a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee. |
| Education | Staff Victim of Student violence   | Intake/ Assessment   | School                              | School  | JAC, Law Enforcement, Family/Soc Svcs   | Behavioral records, law enforcement, other   |  | C.R.S. § 22-33-109.1(3)(c); C.R.S. § 22-33-109.1(3)(c); Colorado Safe Schools Act 2000 (HB 00-1119)   | 34 CFR 99  | Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee.  |
| Education | Child/ Youth Involved in Specific Substance Abuse Activity on School Property (alcohol)              | Intake/ Assessment (Full, JDSAG, Treatment, Adjudication, Place Child in Custody, Place Child in Detention, Release to Parent/Guardian | School                              | School, Parent/Guardian, Law Enforcement, Family/Soc Svcs, Diversion, Probation, Subst Abuse, JAC, Court, Prosecutor, Service Provider, Child, MH, Family Support Org, CASA | School, Parent/Guardian, Law Enforcement, Family/Soc Svcs, Diversion, Probation, Subst Abuse, JAC, Court, Prosecutor, Service Provider, Child, MH, Family Support Org, CASA | Any  | If at JAC -ASAP to process, can only hold child at JAC for 6 hours, or for treatment w/in 1 week     | Colorado Safe Schools Act 2000 (HB 00-1119)   | 34 CFR 99  | Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee   |
| Education | Child/ Youth Involved in Specific Substance Abuse Activity on School Property (controlled substance) | Intake/ Assessment (Full, JDSAG, SUS), Treatment, Release to Parent  | School                              | Substance Abuse/Alcohol Tx, JAC   | Probation, JAC, Family/Soc Svcs, Caseworker   | Any  | If at JAC -ASAP to process, can only hold child at JAC for 6 hours, or for treatment w/in 1 week     | School - Limitation on Dissemination of school records C.R.S. § 24-72-204, C.R.S. § 18-8-115  |  | Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee   |
| Education | Act of Violence by child on school property  | Intake/ Assessment, referral to DA, Detention  | School                              | Prosecution   | School, Law Enforce, Probation, Prosecution   | School, Supervision, law enforcement records, wants/warrants   | ASAP with consent  | Colorado Safe Schools Act 2000 (HB 00-1119); Unlawful Sexual behavior C.R.S. § 24-72-302(3); C.R.S. § 19-2-922; SB91-94, C.R.S. § 19-2-212  | 45 CFR §164.512(f)(5).   | Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee.  |
| Education | Deferred Prosecution of Student committing delinquent act  | Notify School of deferred prosecution data   | Any                                 | School  | School, Law enforcement   | Prosecution  |  | C.R.S. §19-1-303(2)(b)(ii); C.R.S. §19-1-303(6)(a.3); C.R.S. §19-1-103(34.6); C.R.S. §24-72-302(3); C.R.S. § 19-1-303(2)(b)(ii); C.R.S. §19-1-303(6)(a.3); C.R.S. §19-1-103(34.6); C.R.S. §24-72-302(3)   | Substance Abuse, HIPAA exemptions for access/consent exist   |   |
| Education | Filing of Motion for Deferred Prosecution  | Notify School of deferred prosecution data   | School                              | School  | Prosecution, Family/Soc Svcs, Court   | Education, Family, Supervision, Judicial, law enforcement  |  | C.R.S. § 19-1-303(2)(b)(ii); C.R.S. §19-1-303(6)(a.3); C.R.S. §19-1-103(34.6); C.R.S. § 24-72-302(3)  | Notice to Parent - Constitutional Right to Privacy 45 CFR 164.502(g)(3)(ii)  | Substance Abuse, HIPAA exemption,   |
| Education | Child Abuse Reporting by school officer, Child Welfare Concern                                       | Placement, Treatment, Referral to DA, Release to Parent  | School, Public Place, Vehicle, Home | Family/Soc Svcs, Family Support   | School, Law Enforcement, Probation, JAC, Caseworker   | Medical Treatment, Law Enforcement Records, Judicial Records, Family Records                             | ASAP with consent, unless emergency situation, 6 hour limit if at JAC                                | CRS Title 18; see also C.R.S. § 19-3-304; School reasonable Cause to suspect 19-1-304(2)(a)(XV); CRS 19-1-303(1)(a); HB1451   | 42 CFR §2.12(c)(6) and privacy rule. See 45 CFR §164.512(b)(1)(ii); Notice of 45 CFR §164.520(c)(3); 45 CFR. 164.512   | 12 CFR 2509-3   RULE MANUAL VOLUME 7 OVERVIEW OF CHILD WELFARE SERVICES (PROGRAM AREAS 4, 5, AND 6) G. If the county department determines that medically-indicated treatment or palliative care is being or will be withheld, and (1) the child's condition requires an urgent response, or (2) efforts by county department or hospital personnel to obtain parental consent to treatment would be futile or already have failed, then the matter shall be brought to court under a petition. The petition shall be to place the child in temporary custody of the child with the county department to ensure proper medical treatment is provided. The county department shall immediately contact the department's attorney when such a court order is required.  |
| Education | Filing of Delinquency Petition   | Referral to DA   | School                              | Prosecutor  | School  | School, Supervision, law enforcement records, wants/warrants   |  | C.R.S. § 19-1-304(5.5)  | Therapeutic intervention See 45 CFR §164.520(b)  |   |
| Education | Preliminary Investigation by DA of delinquency or other matter against student                       | Referral to DA, Adjudication, release to parent  | School                              | Prosecution   | School, Law Enforcement, Family/Social Services, Probation  | Law enforcement, education, behavior, wants/warrants   | ASAP with Consent  | Delinquency C.R.S. § 19-1-304(5.5); C.R.S. §19-1-304(5.5); against student/ non delinquency -informal adjustment C.R.S. §19-2-2303; Case Filing C.R.S. §19-2-704; Diversion Case Filing C.R.S. § 19-2-2303; For Informal Adjustment Case Filing C.R.S. §19-2-703; Colorado Safe Schools Act 2000 (HB 00-1119); Youth Corrections SB91-94, C.R.S. § 19-2-212 | 34 CFR 99  | Filing of a delinquency petition against student Colorado Department of Education Approval Process for Disclosure of Education Data See <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee.  |
| Education | Child enrolling in school  | Release to parents, enroll   | School                              | School  | any   | Supervision, Health records, Judicial records, Detention records, wants/warrants, family records         | As defined by specific school district policy. Consent required for records to be shared with school | C.R.S. §19-1-304(2)(a)(XV); see also Colorado Safe Schools Act 2000 (HB 00-1119); Conviction of Unlawful Sexual behavior C.R.S. § 24-72-302(3)  | Notice to Parent - Constitutional Right to Privacy 45 CFR 164.502(g)(3)(ii)  | Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee.  |
| Education | Child enrolled in Special Education Related program at school  | Release to parents, enroll   | School                              | School  | any   | Supervision, MH/Treatment (if special needs placement), Health records, Judicial records, family records | As defined by specific school district policy. Consent required for records to be shared with school | 1 CFR 301-8 ; See also HB 1451; Cooperative services regarding sharing of data, threat, providing education, cooperation in non emergency situations C.R.S. § 22-20-108(7)  | 34 CFR. 300.304(c) (5); and 34 CFR 300.154 (a)   | CO regs state Prior to conducting any initial assessment for determination of eligibility for special education services, administrative unit personnel shall give written notice to the parent(s) and obtain written informed consent from the parent(s) to conduct the assessment. Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee.   |
| Education | Education Department de-identified data  |  |                                     |   |   |  |  | DHE's definition and policy regarding de-identified data is congruent with FERPA regulations.   | 45 CFR. § 164.514 ((Authority: 20 U.S.C. 1232g(a)(5)(A), (b), (h), (i), and (j)). (53 FR 11943, Apr. 11, 1988; 53 FR 19368, May 27, 1988, as amended at 58 FR 3189, Jan. 7, 1993; 61 FR 59296, Nov. 21, 1996; 65 FR 41853, July 6, 2000; 73 FR 74852, Dec. 9, 2008; 74 FR 401, Jan. 6, 2009) | The Colorado Department of Higher Education defines de-identified data as data in which all personal identifiers have been removed. Thereby allowing the data to be anonymous and preventing an individual from being identified. Personal Identifiers that are removed prior to data sharing include: name (currently not collected, data of birth, age, county, social security numbers, student ID numbers, and any other unique identifier number. A code or other means of re-identifying de-identified data may be randomly assigned, provided the code is unique and therefore not capable of being used to identify an individual.  |

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|---------|---|---|---|--|--|--|---|--|---|--|
| Medical | Act involving Sexual Assault of a child   | Treatment, Release to Parent, Adjudication Action | School, home, public place, vehicle                               | Family/Soc Svcs, Prosecution, CASA                                     | School, Law Enforcement, Probation, Prosecution                    | Medical Treatment, Law Enforcement Records, Judicial Records, Family Records         | ASAP with consent   | HB 00-1119; C.R.S. § 303(2)(b)(i); see also C.R.S. § 13-22-106. Minors - consent to treatment victim of sexual offense.; See also HB 1451; C.R.S. § 19-1-304 generally and C.R.S. § 19-1-303(1) (a) when Judicial dept. involved for case management or investigation  | 45 CFR §164.512(f)(5).  | (1) Any physician licensed to practice in this state, upon consultation by a minor as a patient who indicates that he or she was the victim of a sexual offense pursuant to part 4 of article 3 of title 18, C.R.S., with the consent of such minor patient, may perform customary and necessary examinations to obtain evidence of the sexual offense and may prescribe for and treat the patient for an immediate condition caused by the sexual offense. (2) (a) Prior to examining or treating a minor pursuant to subsection (1) of this section, a physician shall make a reasonable effort to notify the parent, parents, legal guardian, or any other person having custody or decision-making responsibility with respect to the medical care of such minor of the sexual offense. (b) So long as the minor has consented, the physician may examine and treat the minor as provided for in subsection (1) of this section whether or not the physician has been able to make the notification provided for in paragraph (a) of this subsection (2) and whether or not those notified have given consent, but, if the person having custody or decision-making responsibility with respect to the minor's medical care objects to treatment, then the physician shall proceed under the provisions of part 3 of article 3 of title 19, C.R.S. (c) Nothing in this section shall be deemed to relieve any person from the requirements of the provisions of part 3 of article 3 of title 19, C.R.S., concerning child abuse. (3) If a minor is unable to give the consent required by this section by reason of age or mental or physical condition and it appears that the minor has been the victim of a sexual assault, the physician shall not examine or treat the minor as provided in subsection (1) of this section but shall proceed under the provisions of part 3 of article 3 of title 19, C.R.S.                              |
| Medical | Act involving Sexual Assault of a child   | Treatment, Release to Parent, Adjudication Action | School, home, public place, vehicle                               | Family/Soc Svcs, Prosecution, CASA                                     | School, Law Enforcement, Probation, Prosecution                    | Medical Treatment, Law Enforcement Records, Judicial Records, Family Records         | ASAP with consent   | HB 00-1119; C.R.S. § 303(2)(b)(i); see also C.R.S. § 13-22-106. Minors - consent to treatment victim of sexual offense.; See also HB 1451; C.R.S. § 19-1-304 generally and C.R.S. § 19-1-303(1) (a) when Judicial dept. involved for case management or investigation  | 46 CFR §164.512(f)(5).  | (1) Any physician licensed to practice in this state, upon consultation by a minor as a patient who indicates that he or she was the victim of a sexual offense pursuant to part 4 of article 3 of title 18, C.R.S., with the consent of such minor patient, may perform customary and necessary examinations to obtain evidence of the sexual offense and may prescribe for and treat the patient for an immediate condition caused by the sexual offense. (2) (a) Prior to examining or treating a minor pursuant to subsection (1) of this section, a physician shall make a reasonable effort to notify the parent, parents, legal guardian, or any other person having custody or decision-making responsibility with respect to the medical care of such minor of the sexual offense. (b) So long as the minor has consented, the physician may examine and treat the minor as provided for in subsection (1) of this section whether or not the physician has been able to make the notification provided for in paragraph (a) of this subsection (2) and whether or not those notified have given consent, but, if the person having custody or decision-making responsibility with respect to the minor's medical care objects to treatment, then the physician shall proceed under the provisions of part 3 of article 3 of title 19, C.R.S. (c) Nothing in this section shall be deemed to relieve any person from the requirements of the provisions of part 3 of article 3 of title 19, C.R.S., concerning child abuse. (3) If a minor is unable to give the consent required by this section by reason of age or mental or physical condition and it appears that the minor has been the victim of a sexual assault, the physician shall not examine or treat the minor as provided in subsection (1) of this section but shall proceed under the provisions of part 3 of article 3 of title 19, C.R.S.                              |
| Medical | Incident on site (School, Treatment Facility) where police are called and child is taken to medical center  | Intake/ Assessment                                | School or treatment facility                                      | Medical Treatment Agency   | School, law enforcement, substance abuse, court, prosecution, CASA | MH Treatment, Psych/ MH Counseling, Medical TX or Subst Abuse Tx, behavioral records | ASAP with consent, unless emergency situation, 6 hours limit if at JAC. See Mental Health Notes, Can be held 72 hours by licensed addiction counselor.                  | C.R.S. §19- 1-303(2)(b)(i); C.R.S. §19-1-303(6)(a.3); C.R.S. §19-1-103(34.6); C.R.S. §24-72-302(3); see also Colorado Safe Schools Act 2000 (HB 00-1119)   | 45 CFR §164.512(f)(5).  | Disclosure to Law Enforcement of crime on premises, see also Model Notification of Rights under FERPA for Elementary and Secondary Schools see - <a href="http://www.cde.state.co.us/cdereval/Ferpa.htm">http://www.cde.state.co.us/cdereval/Ferpa.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee   |
| Medical | Screening Medical   | Intake, Treatment                                 | Tx Facility/ Hospital   | School, Law Enforcement  | Any  | Medical, Health records  | See specific information requests   | C.R.S. §19-2-212   |   | Section 25-4-1405(6), C.R.S., allows for minors to be examined and treated for HIV infection without the consent of the parent or guardian. Further, if the minor is age 16 or older, the results of the examination or treatment need not be divulged to the minor's parent or guardian, or to any person, unless necessary under reporting requirements of Title 25 or Title 19, C.R.S. Section 25-4-1405(6), C.R.S., allows for minors to be examined and treated for HIV infection without the consent of the parent or guardian. Further, if the minor is age 16 or older, the results of the examination or treatment need not be divulged to the minor's parent or guardian, or to any person, unless necessary under reporting requirements of Title 25 or Title 19, C.R.S. For HIPAA generally see: <a href="http://www.cdhs.state.co.us/hipaa/HIPAApoliciesandProcedures.htm">http://www.cdhs.state.co.us/hipaa/HIPAApoliciesandProcedures.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee   |
| Medical | Medical Emergency involving child not on school property  | Treatment   | Tx Facility/Hospital  | Medical Treatment Agency   | Law enforcement, treatment   | medical and health records   | ASAP - emergency, consent may not be immediately required   | C.R.S. §19-1-103(45); for Dentists ; 3 CCR 709-1; Access own record C.R.S. §25-1-801; 6CCR 1011-1; see also Colorado Safe Schools Act 2000 (HB 00-1119)  | See 42 CFR §2.51  | 3.2.11 Nothing in this part shall affect a person's access to his or her medical record as provided in section 25-1-801, nor shall it affect the right of a family member or any other person to obtain medical record information upon the consent of the patient or his/her authorized representative. 3 CCR 709-1 c. A consent form signed by the patient or the patient's guardian for any anesthesia and for treatment; 2. Prior to utilizing medical immobilization, the dentist shall obtain written informed consent 2. Prior to utilizing medical immobilization, the dentist shall obtain written informed consent for the specific technique of immobilization from the parent or legal guardian and document such consent 2. Prior to utilizing medical immobilization, the dentist shall obtain written informed consent for the specific technique of immobilization from the parent or legal guardian and document such consent in the dental record, unless the parent or legal guardian is immobilizing the patient. Consent 2. Prior to utilizing medical immobilization, the dentist shall obtain written informed consent for the specific technique of immobilization from the parent or legal guardian and document such consent in the dental record, unless the parent or legal guardian is immobilizing the patient. Consent involving solely the presentation or description of a listing of various behavior management techniques is not considered to constitute informed consent for medical immobilization. The parent or guardian must be informed of the advantages and disadvantages of the technique(s) of immobilization being utilized and/or considered. 30.4 MEDICAL EMERGENCIES. Disclosure to medical personnel is authorized without the written consent of the patient when and to the extent necessary to meet a bona fide medical emergency, which shall be documented in the patient medical record. |
| Medical | Access De-identified Protected Health Data: Health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual is not individually identifiable health information. | Any Medical                                       | Tx  | Medical Treatment Agency   | Medical Treatment Agency   | medical and health records   |   | See <a href="http://www.cdhs.state.co.us/hipaa/HIPAApoliciesandProcedures.htm">http://www.cdhs.state.co.us/hipaa/HIPAApoliciesandProcedures.htm</a>  | 45 CFR §164.514(a) See also <a href="http://www.hhs.gov/ocr/privacy/hipaa/administrative/privacylevels/adm_insimpregtext.pdf">http://www.hhs.gov/ocr/privacy/hipaa/administrative/privacylevels/adm_insimpregtext.pdf</a> |  |
| MH      | Aftercare placement programs(includes request for review of prior placements/ services received)  | Assessment, Placement, Treatment                  | Tx Facility, Detention Facility, other program services placement | Special Programs provider (could be specific to treatment or services) | Family/Soc Svcs, Probation, Substance Abuse, GAL, JAC              | MH Treatment, Psych/ MH Counseling, Medical TX or Subst Abuse Tx, behavioral records | Varies based upon type of record data requested, consent may exist if probation or counseling program in place; Out of Home placement within 5 days for record transfer | HB 1451; see also <a href="http://www.cdhs.state.co.us/hipaa/HIPAApoliciesandProcedures.htm">http://www.cdhs.state.co.us/hipaa/HIPAApoliciesandProcedures.htm</a> ; OIT Security Portal-Government Data Advisory Board-GDAB document library-Privacy Subcommittee; C.R.S. § 22-32-138 (1) (e ); revised by HB08-1019; C.R.S. § 19-1-115.5(2)(b);C.R.S. § 27-65-103(2). See also C.R.S. § 27-65-121 regarding confidentiality of mental health treatment records and who may authorize their release. | Special Programs Placement 42 CFR §2.14(d); 45 CFR §164.522(a). Institutionalize See 42 CFR §2.31(a)(8) and 45 CFR §164.508(b)(5)(i) Patient Rights to Restrict Disclosure 45 CFR §164.510(b)                             | See CO Model State HIPAA Privacy Policies and Procedures manual; When a minor consents to his or her own mental health services, the "[p]rofessional person rendering mental health services to a minor may, with or without consent of the minor, advise the parent or legal guardian of the minor of the services given or needed."  |

|             |   |                                 |                                     |                             |   |  |   |   |   |   |
|-------------|---|---------------------------------|-------------------------------------|-----------------------------|---|--|---|---|---|---|
| MH          | Release Competency Hearing or release following Psychiatric or Mental Health Tx             | Determination of competency     | Tx Facility                         | Pre-trial services          | School, Family/Soc Svcs, Mental Health  | MH Treatment, Psych/ Counseling records  | ASAP with Consent   | Release C.R.S. § 19-2-302; if Mental Health review C.R.S. § 12-43-218; 6 Cr. 1011-4; C.R.S. § 27-65-103(2). See also C.R.S. § 27-65-121 regarding confidentiality of mental health treatment records and who may authorize their release.                           | 45 CFR Parts 160 and 164  | Release from secure custody. If involving MH review 3 CFR 721. (a) General. Licensees are required to report violations of CRS 12-43-222 to the Board once they have direct knowledge that a psychologist or any other individual regulated under the Colorado mental health statute has violated a provision of CRS 12-43-222. Licensees are not required to report when such reporting would violate client/therapist confidentiality without first obtaining client consent (refer to CRS 12-43-218). 30.3 AUTHORIZED DISCLOSURES. No information about a patient shall be disclosed by the psychiatric hospital unless the patient signs a written, dated authorization for disclosure which specifies the information which is to be disclosed; to what persons (by name or titles) the information may be disclosed, the purpose for which the information is sought and may be used and the duration of the consent. (See Section 11.9 of this chapter.) When a minor consents to his or her own mental health services, the "[p]rofessional person rendering mental health services to a minor may, with or without consent of the minor, advise the parent or legal guardian of the minor of the services given or needed."  |
| MH          | Home based Counseling/ services - start into program  | Determination of Services Need  | Home                                | Family/Soc Svcs, counseling | School, Law enforcement, JAC, Probation | Supervision data, Counseling records, Behavior reports   | See specific information requests   | HB 1451   | 45 CFR §164.502(j)(2); 45 CFR §164.510(b); 42 CFR §2.12(c)(4); 45 CFR §§160.103 and 164.502 (e )  | When a minor consents to his or her own mental health services, the "[p]rofessional person rendering mental health services to a minor may, with or without consent of the minor, advise the parent or legal guardian of the minor of the services given or needed."  |
| MH          | Interagency Support team looking to access records upon warnings signs of violence in child | Intake/ Assessment              | School, home, public place, vehicle | Family Support Team         | All interagency support agencies        | Supervision, MH/Tx records, Psych and counseling, Substance abuse, law enforcement, behavioral records | ASAP with consent, unless emergency situation, 6 hours limit if at JAC. See Mental Health Notes - can be held 72 hours by licensed addiction counselor. | C.R.S. § 24-72-204(3)(d)(III); HB1451, Colorado Safe Schools Act 2000 (HB 00-1119); CJRA C.R.S. §19-2-925. C.R.S. § 27-65-103(2). See also C.R.S. § 27-65-121 regarding confidentiality of mental health treatment records and who may authorize their release.     | 42 CFR §2.23. 34 CFR 99; See 45 CFR §164.524(b)(1); 45 CFR §164.524(a)(1); 45 CFR §164.524(a)(1)(2); 45 CFR §164.524(c)(3); 45 CFR §164.524(c)(4); 26; 45 CFR §164.524(a)(2)(ii); 45 CFR §164.524(a)(2)(iv); 45 CFR §164.524(a)(2)(v); Privacy Rule. See 45 CFR 164.530(d); 45 CFR §164.524(a)(2)(v); Privacy Rule. See 45 CFR §164.530(d). | In best interests of the child (Neither Part 2 nor the Privacy Rule requires programs to gain consent if emergency or "in best interests of child"); 34 CFR 99.42 CFR §2.23. Note Interagency Agreements in CO Law look to disclosure and data sharing as well as specific consent.   |
| MH          | Screening - MAVSI   | Intake/ Assessment              | JAC/ Tx Facility                    | Mental Health               | JAC, Mental Health                      | Mental Health  | ASAP with consent, unless emergency situation, 6 hours limit if at JAC. See Mental Health Notes. Can be held 72 hours by licensed addiction counselor.  | CRJP #3.7. Only one parent is required to give consent for treatment, although in many cases it is considered best practice to involve both parents and to request court documents prior to the first visit for confirmation of parental decision making authority. | 34 CFR. 99  | Revisions to the mandatory disclosure form can be reviewed in SB 11-187 at the following link: <a href="http://www.dora.state.co.us/registrations/legislation.html">http://www.dora.state.co.us/registrations/legislation.html</a> . A sample of the form and a checklist are available at <a href="http://www.dora.state.co.us/mental-health/Mandatory-Disclosure-Form">www.dora.state.co.us/mental-health/Mandatory-Disclosure-Form</a> . If conducted at detention/ shelter facility "(b) (I) If it appears that any juvenile being held in detention or shelter may be developmentally disabled, as provided in article 10.5 of title 27, C.R.S., the court or detention personnel shall refer the juvenile to the nearest community centered board for an eligibility determination. If it appears that any juvenile being held in a detention or shelter facility pursuant to the provisions of this article may have a mental illness, as provided in sections 27-65-105 and 27-65-106, C.R.S., the intake personnel or other appropriate personnel shall contact a mental health professional to do a mental health hospital placement prescreening on the juvenile. The court shall be notified of the contact and may take appropriate action. If a mental health hospital placement prescreening is requested, it shall be conducted in an appropriate place accessible to the juvenile and the mental health professional. A request for a mental health hospital placement prescreening shall not extend the time within which a detention hearing shall be held pursuant to this section. If a detention hearing has been set but has not yet occurred, the mental health hospital placement prescreening shall be conducted prior to the hearing; except that the prescreening shall not extend the time within which a detention hearing shall be held. (III) When the mental health professional finds, as a result of the prescreening, that the juvenile may have a mental illness, the mental health professional shall recommend to the court that the juvenile be evaluated pursuant to section 27-65-105 or 27-65-106, C.R.S.  |
| MH          | Mental Health Treatment - begin program   | Treatment                       | Tx Facility/Hospital                | Mental Health               | School                                  | MH Treatment records, counseling, education, behavior reports, other                                   | With consent  | 2 CCR 502-1; 110.3. Emancipated child may consent to mental health care C.R.S. §19-1-103(45); C.R.S. § 27-65-103(2). See also C.R.S. § 27-65-121 regarding confidentiality of mental health treatment records and who may authorize their release.                  | 42 CFR §2.12(c)(4)  | 2 CCR 502-1; 110.3. Prior to the administration of any specific therapy, a written informed consent shall be executed by both the patient and his/her legal guardian, if one has been appointed pursuant to C.R.S. 15-14-303 et seq. In the event the patient or the legal guardian refuses to consent. Prior to the administration of any specific therapy, a written informed consent shall be executed by both the patient and his/her legal guardian, if one has been appointed pursuant to C.R.S. 15-14-303 et seq. In the event the patient or the legal guardian refuses to consent, specific therapy shall be administered only 1) with a prior court order, or, 2) in an emergency in which the life of the patient is in imminent danger. In case of electrotherapy treatment (electroconvulsive therapy), the consent. Prior to the administration of any specific therapy, a written informed consent shall be executed by both the patient and his/her legal guardian, if one has been appointed pursuant to C.R.S. 15-14-303 et seq. In the event the patient or the legal guardian refuses to consent, specific therapy shall be administered only 1) with a prior court order, or, 2) in an emergency in which the life of the patient is in imminent danger. In case of electrotherapy treatment (electroconvulsive therapy), the consent form adopted by the Division of Mental Health on May 31, 1993 shall be used.   |
| Subst Abuse | Agency Screening for Alcohol abuse and Treatment  | Intake/ Assessment, Treatment   | Tx Facility, JAC, Treatment         | Substance Abuse/ Alcohol Tx | School, Probation, JAC, Caseworker      | Subst Abuse/Tx, psych/ MH counseling, behavior reports   | ASAP with consent   | 6 Colo. Code Regs. § 1008-1 (15.225.3).   | 45 CFR Parts 160 and 164; 42 C.F.R. §§ 2.11; 2.12; 25.42 C.F.R. § 2.14.   | 6 CCR 1008-1   15.000 ALCOHOL AND OTHER DRUG ABUSE/DEPENDENCE TREATMENT STANDARDS A. Written information about minors' treatment, including dates/times of admission or discharge, shall not be disclosed to parents or legal guardians without minors' express written consent, in accordance with federal and state confidentiality regulations. 6 CCR 1008-1   15.000 ALCOHOL AND OTHER DRUG ABUSE/DEPENDENCE TREATMENT STANDARDS C. If minors refuse to sign written consent C. If minors refuse to sign written consent to contact parents or legal guardians for permission to treat, and program policies require such consent, the following options shall be available. Minors may be informed that they can be denied admission and referred to treatment programs not requiring parental or legal guardian consent to treat. D. Parents or legal guardians shall be notified of minors' admission to treatment without minors' written consent if: 1. in the judgment of the treatment director or designated staff, minors do not have the capacity to rationally decide whether to consent to notification due to age or medical and/or mental conditions; E. Parents or legal guardians who do not consent to minors' treatment shall not be billed for treatment services unless a parental fee is assessed by a court. Federal confidentiality law applies to any individual, program, or facility that meets the following two criteria: 1. The individual, program, or facility is federally assisted. (Federally assisted means authorized, certified, licensed, or funded in whole or in part by any department of the federal government. Examples include programs that are: tax exempt; receiving tax-deductible donations; receiving any federal operating funds; or registered with Medicare.) (42 C.F.R. § 2.12); AND 2. The individual or program: 1) is an individual or program that holds itself out as providing alcohol or drug abuse diagnosis, treatment, or referral; OR 2) is a staff member at a general medical facility whose primary function is, and who is identified as, a provider of alcohol or drug abuse diagnosis, treatment, or referral; OR 3) is a unit at a general medical facility that holds itself out as providing alcohol or drug abuse diagnosis, treatment, or referral. (42 C.F.R. §§ 2.11; 2.12). 25.42 C.F.R. § 2.14. When a person is admitted for emergency treatment for intoxication or incapacitation by alcohol to an approved treatment facility, this or her family or next of kin shall be notified as promptly as possible." An exception to this requirement exists for adults who request that there be no notification. |
| Subst Abuse | Release from Custody following substance abuse finding                                      | Intake/ Assessment SUS or JDSAG | JAC, Custody                        | Substance abuse             | JAC, Substance Abuse, Probation         | Assessment results, Subst Abuse findings   |   | Release to parent C.R.S. §19-2-508(3); Release w/ Services C.R.S. §19-2-302; Bail C.R.S. § 19-2-508(3); C.R.S. §19-5-509; C.R.S. § 27-81-110(5).  | 42 CFR §2.12(c)(3)  | 6 CCR 1008-1   15.000 ALCOHOL AND OTHER DRUG ABUSE/DEPENDENCE TREATMENT STANDARDS A. Written information about minors' treatment, including dates/times of admission or discharge, shall not be disclosed to parents or legal guardians without minors' express written consent, in accordance with federal and state confidentiality regulations.  |

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|-------------|---|---|----------------------------|--|--|--|--|---|---|--|
| Subst Abuse | Distribution of Narcotics/ Controlled Substance by child                    | Intake/Assess in Custody, Referral to DA                    | Home, School, Public Place | Prosecution  | School, law enforcement, probation, Substance Abuse  | Substance Abuse, judicial records, wants/ warrants |  | HB 00-119; C.R.S. § 303(2)(b)(i); C.R.S. §19-2-518                            | 42 C.F.R. §§ 2.11; 2.12; 25 42 C.F.R. § 2.14                            | Federal confidentiality law applies to any individual, program, or facility that meets the following two criteria: 1. The individual, program, or facility is federally assisted. (Federally assisted means authorized, certified, licensed, or funded in whole or in part by any department of the federal government. Examples include programs that are: tax exempt; receiving tax-deductible donations; receiving any federal operating funds; or registered with Medicare.) (42 C.F.R. § 2.12); AND 2. The individual or program: 1) is an individual or program that holds itself out as providing alcohol or drug abuse diagnosis, treatment, or referral; OR 2) is a staff member at a general medical facility whose primary function is, and who is identified as, a provider of alcohol or drug abuse diagnosis, treatment, or referral; OR 3) is a unit at a general medical facility that holds itself out as providing alcohol or drug abuse diagnosis, treatment, or referral. (42 C.F.R. §§ 2.11; 2.12; 25 42 C.F.R. § 2.14)   |
| Subst Abuse | Screening - Alcohol   | Intake/ Assessment  | JAC/ Tx Facility           | Substance Abuse/Alcohol Tx   | JAC, Substance Abuse                                 | Substance Abuse                                    | ASAP with consent, unless emergency situation, 6 hours limit if at JAC. See Mental Health Notes, Can be held 72 hours by licensed addiction counselor. | C.R.S. § 19-1-103(9.4.5)  | 34 CFR .99  | When a person is admitted for emergency treatment for intoxication or incapacitation by alcohol to an approved treatment facility <sup>27</sup> , "his or her family or next of kin shall be notified as promptly as possible." An exception to this requirement exists for adults who request that there be no notification. 6 CCR 1008-1   15.000 ALCOHOL AND OTHER DRUG ABUSE/DEPENDENCE TREATMENT STANDARDS B. Informed consent to medical detoxification. A. Minors may voluntarily apply for admission to alcohol/other drug abuse treatment with or without parental or legal guardian consent.   |
| Subst Abuse | Screening - non medical - minor's signature required                        | Intake/ Assessment  | JAC                        | Substance Abuse/Alcohol Tx   | JAC, Substance Abuse                                 | Substance Abuse                                    | ASAP - 6hrs limit at JAC   | 6 CCR 1008-1 Sect 15.000  | 42 CFR §2.14.13   |  |
| Subst Abuse | Screening - Substance Abuse - non Alcohol                                   | Intake/ Assessment  | JAC                        | Substance Abuse/Alcohol Tx   | JAC, Substance Abuse                                 | Substance Abuse                                    | ASAP with consent, unless emergency situation, 6 hours limit if at JAC. See Mental Health Notes, Can be held 72 hours by licensed addiction counselor. | C.R.S. §19-2-212  | 42 CFR Part 2   | 6 CCR 1008-1   15.000 ALCOHOL AND OTHER DRUG ABUSE/DEPENDENCE TREATMENT STANDARDS B. Informed consent to medical detoxification. A. Minors may voluntarily apply for admission to alcohol/other drug abuse treatment with or without parental or legal guardian consent.   |
| Subst Abuse | Agency Screening for Substance Abuse – Non Alcohol                          | Intake/ Assessment (Full, JDSAG, SUS)                       | Tx Facility, JAC,          | Substance Abuse/Alcohol Tx, JAC  | Probation, JAC, Family/Soc Svcs, Caseworker          | Subst Abuse/Tx                                     | If at JAC -ASAP to process, can only hold child at JAC for 6 hours   | 6 CCR 1008-1 Sect 15.000  | 42 CFR Part 2   | 6 CCR 1008-1   15.000 ALCOHOL AND OTHER DRUG ABUSE/DEPENDENCE TREATMENT STANDARDS 2. Consent to release client information. 6 B. Informed consent to medical detoxification. A. Minors may voluntarily apply for admission to alcohol/other drug abuse treatment with or without parental or legal guardian consent. Written information about minors' treatment, including dates/times of admission or discharge, shall not be disclosed to parents or legal guardians without minors' express written consent, in accordance with federal and state confidentiality regulations. C. If minors refuse to sign written consent C. If minors refuse to sign written consent to contact parents or legal guardians for permission to treat, and program policies require such consent, the following options shall be available 1. Minors may be informed that they can be denied admission and referred to treatment programs not requiring parental or legal guardian consent to treat. D. Parents or legal guardians shall be notified of minors' admission to treatment without minors' written consent if: 1. In the judgment of the treatment director or designated staff, minors do not have the capacity to rationally decide whether to consent to notification due to age or medical and/or mental conditions; E. Parents or legal guardians who do not consent to minors' treatment shall not be billed for treatment services unless a parental fee is assessed by a court.   |
| Subst Abuse | Substance abuse Treatment - enter into program                              | Placement in ___  | Treatment Facility         | Substance Abuse/Alcohol Tx   | School, Law enforcement, JAC - assessment, probation | substance abuse/ alcohol TX, medical data          |  | C.R.S. §19-2-212; Release w/ Services C.R.S. §19-2-302; C.R.S. § 27-81-110(5) | 45 CFR §§160.103 and 164.502(e )  |  |
| Subst Abuse | Child brought to JAC for violation of Probation condition - substance abuse | Placement in MVDC, Place Child in Detention, SUS assessment | Probation Office           | School, Parent/Guardian, Family/Soc Svcs, Probation, Prosecution, Subst Abuse, JAC, Court, Prosecutor, Caseworker, GAL | Any  | Any  | Since youth is detained, ASAP  | 6 Colo. Code Regs. § 1008-1 (15.225.3).                                       | 45 CFR Parts 160 and 164; 42 C.F.R. §§ 2.11; 2.12; 25 42 C.F.R. § 2.14. | 6 CCR 1008-1   15.000 ALCOHOL AND OTHER DRUG ABUSE/DEPENDENCE TREATMENT STANDARDS A. Written information about minors' treatment, including dates/times of admission or discharge, shall not be disclosed to parents or legal guardians without minors' express written consent, in accordance with federal and state confidentiality regulations. 6 CCR 1008-1   15.000 ALCOHOL AND OTHER DRUG ABUSE/DEPENDENCE TREATMENT STANDARDS C. If minors refuse to sign written consent C. If minors refuse to sign written consent to contact parents or legal guardians for permission to treat, and program policies require such consent, the following options shall be available. Minors may be informed that they can be denied admission and referred to treatment programs not requiring parental or legal guardian consent to treat. D. Parents or legal guardians shall be notified of minors' admission to treatment without minors' written consent if: 1. In the judgment of the treatment director or designated staff, minors do not have the capacity to rationally decide whether to consent to notification due to age or medical and/or mental conditions; E. Parents or legal guardians who do not consent to minors' treatment shall not be billed for treatment services unless a parental fee is assessed by a court. Federal confidentiality law applies to any individual, program, or facility that meets the following two criteria: 1. The individual, program, or facility is federally assisted. (Federally assisted means authorized, certified, licensed, or funded in whole or in part by any department of the federal government. Examples include programs that are: tax exempt; receiving tax-deductible donations; receiving any federal operating funds; or registered with Medicare.) (42 C.F.R. § 2.12); AND 2. The individual or program: 1) is an individual or program that holds itself out as providing alcohol or drug abuse diagnosis, treatment, or referral; OR 2) is a staff member at a general medical facility whose primary function is, and who is identified as, a provider of alcohol or drug abuse diagnosis, treatment, or referral; OR 3) is a unit at a general medical facility that holds itself out as providing alcohol or drug abuse diagnosis, treatment, or referral. (42 C.F.R. §§ 2.11; 2.12); 25 42 C.F.R. § 2.14. When a person is admitted for emergency treatment for intoxication or incapacitation by alcohol to an approved treatment facility <sup>27</sup> , "his or her family or next of kin shall be notified as promptly as possible." An exception to this requirement exists for adults who request that there be no notification. |