

North Dakota Dual Status Youth Initiative

PROTOCOL AND PRACTICE GUIDE

June, 2024

Introduction:

North Dakota Dual Status Youth Initiative

The North Dakota Dual Status Youth Initiative is a result of a multi-year collaboration between court and child welfare agencies with the support of the Robert F. Kennedy Foundation (RFK) and recommended by the Counsel of State Governments. The executive summary of the collaborative work found that the lifetime prospects for youth in North Dakota are significantly impaired if they are simultaneously involved in the state's child welfare and juvenile justice systems. Youth in this situation are referred to as dual status youth.

After receiving a report and recommendations from the Robert F. Kennedy Foundation, an Executive Committee made up of representatives of its various stakeholder groups and subgroups worked together to develop a protocol that outlines how to collectively serve ND children and families more effectively. The protocol outlines standardized cross-system practices for staff to follow throughout the child welfare, juvenile justice, and child in need of services (CHINS). Practices include agency coordinated care, trauma informed care, developmentally appropriate interventions and therapeutic interventions. These practices aim to change the trajectory of a child's case and to prevent the youth from entering or becoming further involved in the juvenile justice and child welfare systems.

As stated in the executive summary of the Robert F. Kennedy North Dakota Dual Status Initiative Report, "Despite these troubling outcomes and very real obstacles, there is reason for optimism. Dual status youth – like all children and youth – are highly responsive to therapeutic interventions, trauma informed care and developmentally appropriate interventions." System reforms are imperative to provide the best long-term outcomes for our youth. If we, as a state, can invest in providing the dual status youth population with high-quality front-end care and interventions, we can ensure a better future for North Dakota's youth and families.

Who are Dual Status Youth?

Dual status youth are youth who have been involved in both the child welfare and juvenile justice systems in North Dakota. This includes youth who have active involvement in one system with concurrent involvement and/or history in the other system within one year.

Dual Status Youth Overview and Goals

Young people who have been abused or neglected are more likely to engage in delinquent behavior and often have poorer outcomes than youth who have not experienced maltreatment. Research suggests that dual status youth have experienced complex trauma at a higher rate than general population youth. For many of these youth, exposure to these traumatizing experiences causes behavior problems, resulting in contact with the juvenile justice system.

Once involved with the juvenile justice system, dual status youth are more likely to be detained, detained for longer periods of time, and are more likely to be formally processed and placed outside the home than youth without child welfare involvement. Detention, court processes, and placement are costly interventions. These interventions often contribute to re-traumatization of dual status youth – subjecting them to interruptions in their education, placements, and services. In addition, research shows that dual status youth experience poor long-term outcomes despite these traditional interventions. The dual status youth protocol provides a way to interrupt this trajectory and better address the needs of youth known both to the juvenile justice and child welfare systems.

Although both child welfare and juvenile justice systems serve different functions, they have the same goal: improving the lives of children and families. The dual status youth protocol helps all systems become more efficient and effective, which in turn helps the youth and families achieve their goals. The dual status youth initiative and protocol works to improve collaboration, communication, and exchange of information between agencies. Once children are identified as dual status, we can work to support them while aiming to keep them from

going further into both systems. This is accomplished by increasing interagency information sharing and establishing child and family centered multidisciplinary policies and practices.

An information sharing MOU was created and executed between the North Dakota Judicial Branch and the Department of Human Services, allowing for the identification of dual status youth and initial communication between juvenile court officers and Human Service Zones. In January 2019 child welfare and juvenile court began following the DSYI protocol to address needs of dual status youth by collaboratively sharing information between both systems and providing a multidisciplinary team approach when working with the families.

In August 1, 2022, as a response to CHINS referrals transitioning from the jurisdiction of the juvenile court to the Human Service Zones, the Dual Status Practice Guide was updated to include CHINS referrals within the process of the DSYI protocol.

Once a child has been identified as a dual status youth, child welfare, juvenile court, and/or CHINS work together to engage with the family to coordinate and participate in Family Centered Engagement meetings (FCEs) which are provided by The Village Family Services. On July 1st, 2020, the opportunity for FCE meetings became available statewide. The meetings consist of a facilitated team process that includes participation from parents, extended family, children, service providers, child welfare, juvenile court, and CHINS staff to make critical decisions regarding the safety and well-being of the child to achieve the safest and least restrictive outcomes that are in the best interest of the dual status youth. The overarching goals of the meetings include:

- ❖ Improving family engagement
- ❖ Empowering parents to safety plan with support services
- ❖ Reducing the number of children entering foster care
- ❖ Increasing the number of children remaining safely in their homes
- ❖ Increasing relative placement for children who are removed
- ❖ Reduce child delinquency with juvenile court
- ❖ Reduce child behaviors resulting in referrals to CHINS

It is expected that child welfare, juvenile justice, and CHINS will utilize the dual status youth protocol in meaningful ways to achieve the following results:

- ❖ Ensure early identification of youth needs
- ❖ Develop mechanisms to share information consistently and in a timely fashion among system partners
- ❖ Cross-systems engagement related to case management functions
- ❖ Strong and consistent family engagement throughout the life of the case
- ❖ Effective/consistent engagement of families and treating the needs of the whole family
- ❖ Focus on the best interest of the child rather than his or her status as child in need of protection (CHIPS), child in need of services (CHINS), or a delinquent youth
- ❖ Making better connections for youth within their communities
- ❖ Increased youth safely maintained in the home
- ❖ Increased stability in placement
- ❖ Decrease in confirmed maltreatment and impending danger
- ❖ Reduction in subsequent delinquent referrals
- ❖ Decrease in formal adjudications

Practice and Protocol

Types of DSY:

DUAL STATUS YOUTH PROTOCOL

CHINS/Delinquent

Review and verify the youth is DSY

Communicate and share information within 48 hours

Discuss level of CHINS intervention determined by specialist- If moderate then a meeting may occur. If high then a meeting must occur.

Collaborate to make FCE referral

Attend FCE Meeting

Participate in follow up meeting with family within 30 days

Child Welfare/Delinquent

*Child Welfare may include CPS, IH and/or FC

Review and verify the youth is DSY

Communicate and share information within 48 hours

Determine if youth is "New" DSY or subsequent referral -If it is youth's first time being identified as DSY then a meeting must occur

Collaborate to make an FCE referral

Attend FCE Meeting

Participate in follow up meeting with family within 30 days

CHINS/Child Welfare/Delinquent

*Child Welfare may include CPS, IH and/or FC

Review and verify the youth is DSY

Communicate and share information within 48 hours

Determine if youth is "New" DSY or subsequent referral -If it is youth's first time being identified as DSY then a meeting must occur.

If Subsequent referral: Discuss level of CHINS intervention determined by specialist- If moderate then a meeting may occur. If high then a meeting must occur.

Collaborate to make an FCE referral

Attend FCE Meeting

Participate in follow up meeting with family within 30 days

CHINS Specialists Serving as Dual Status Youth Liaisons:

In order to achieve the best possible oversight and coordination of dual status youth cases, each jurisdiction across North Dakota has an assigned CHINS Specialist that serves as a dual status youth liaison (hereafter referred to as the DSY Liaison) who collaborates with human service zones and juvenile court to identify dual status youth cases and further assist in scheduling Family Centered Engagement meetings with The Village Family Service Center. Research has shown that this approach improves communication across agencies, facilitates cross-training, and improves the experience for youth and families. Roles and responsibilities of the DSY Liaison include:

- ❖ Serving as a point of contact (along with designee) for dual status youth notifications
- ❖ Receiving all notifications on DSY
- ❖ Reviewing COGNOS reports and verifying a youth is dual status
- ❖ Developing a clear understating of the DSYI practice and protocol
- ❖ Clarifying policies and practice to agency staff
- ❖ Attending any trainings and be local a champion on DSYI
- ❖ Participating in monthly DSYI workgroup meetings to discuss practice and protocol
- ❖ Ensuring that the child welfare agency staff and juvenile court officers have a full understanding of their role and responsibilities when working with dual status youth
- ❖ Ensuring that FCE meeting compliance is being followed in DSY cases where a “New” youth is identified

Agency Staff Expectations:

In order to achieve the best possible oversight and coordination of dual status youth cases, human service zone and juvenile court staff will be informed by the DSY Liaison to engage with the partner agencies (either human service zone, juvenile court, or CHINS) to discuss the dual status case. Roles and responsibilities of the agency staff include:

❖ **Human Service Zone:** CPS, IH or FC Case Manager

- Assigned worker must review the FRAME data indicating the child is DSY.
- If the case action was most recently opened in FRAME (CPS, IH or FC), the Zone worker will contact juvenile court and/or the CHINS specialist
- Have a conversation with the juvenile court officer and/or the CHINS specialist to discuss the youth to share pertinent information
- Determine if a referral to The Village Family Center for an FCE is necessary
- Review the goals of the current plan
- Attend FCE meeting
- Monitor the case and schedule a follow up meeting within 30 days of the initial FCE

❖ **Juvenile Court:** Court Officer

- Assigned worker must review the ESUP data indicating the child is DSY
- If the case action was most recently opened in ESUP, the juvenile court worker will contact the human service zone and/or the CHINS specialist
- Have a conversation with the Zone worker and/or the CHINS Specialist to discuss the youth to share pertinent information
- Determine if a referral for an FCE is necessary
- Attend FCE meeting
- Monitor the case and schedule a follow up meeting within 30 days of the initial FCE

❖ **CHINS Specialist:**

- Review the CHINS Teams List data indicating that the child is DSY
- If the case action/referral was most recent on the CHINS side the CHINS specialist will contact the juvenile court and/or the human service zone
- Have a conversation with the juvenile courts officer and/or the Zone worker to discuss the youth and share pertinent information

- Determine priority level intervention and determine if a referral for an FCE is necessary
- Attend FCE meeting
- Monitor the case and schedule a follow up meeting within CHINS protocol parameters

Identification and Documentation of Dual Status Youth:

North Dakota has executed an information sharing MOU between the North Dakota judicial branch and the Department of Human Services, allowing for the identification of dual status youth and initial communication between juvenile court, human service zones, and CHINS.

- ❖ **Weekly DSY Notifications:** Each Monday and Thursday afternoon COGNOS releases a report that is examined by the DSY Liaison for the identification of a dual status youth.

For child welfare DSY an automated report is generated cross referencing the juvenile court ESUP database and Department of Health and Human Services (DHHS) FRAME database. For CHINS DSY an automated report is generated cross referencing juvenile court ESUP database and the CHINS List in Teams. The report combines data from all databases, matching youth who meet the criteria of dual status – current involvement in one system with concurrent and/or history of involvement within the last year in the other. The COGNOS report is available at any time, but we ask each DSY Liaison to check the report at least twice a week on Mondays and Thursdays. The DSY Liaison facilitates communication of the matched DSY to the appropriate contacts via email addresses designated by the juvenile court, human service zones, and CHINS specialists. The dual status youth notifications must be sent at a minimum of twice per week.

- ❖ **Documentation**

ESUP: Refer to the Enterprise Business Process Manual for current procedures related to the entry of dual status youth and family centered engagement meetings in ESUP.

Odyssey Case Flag: Once identified, and the business process for entry into ESUP has been followed, the juvenile supervisor will flag the associated formal Odyssey case

(Child in need of protection or delinquent) with a DSY flag if there is an active order for probation supervision and/or custody order to another agency. This allows for ongoing DSY notification for the judicial officer in the event that there is a review of permanency hearing.

CHINS List in Teams: Once identified as a CHINS DSY the CHINS Specialist will follow CHINS referral documentation in the CHINS List in Teams and will document the youth as DSY.

Actions Following Verification of a Dual Status Youth:

Once the human service zone, CHINS specialist, and juvenile court providers are notified that they have a dual status youth on their caseload they are to contact and communicate with one another ***within 48 hours*** in the following ways:

- ❖ **For a new delinquency:** The juvenile supervisor, or his or her designee, will contact the appropriate Zone/CHINS specialist and communicate with the assigned worker and/or supervisor to discuss and share information regarding the youth's case.
- ❖ **For new active involvement within child welfare in a local human service zone:** The human service zone worker will contact the juvenile court and communicate with the assigned court officer and/or supervisor to discuss and share information regarding the youth's case.
- ❖ **For new CHINS referral:** The CHINS specialist will contact the juvenile court and communicate with the assigned court officer and/or supervisor to discuss and share information regarding the youth's case.

Information to be Shared Between Agencies:

After a notification and verification of a DSY has been received, the assigned CHINS specialist, human service zone worker and/or juvenile court officer will have a conversation to discuss the youth to share pertinent information that is important in order to make a proper FCE referral.

Some examples of information to be shared include but are not limited to:

Juvenile Court to Human Service Zones/CHINS Specialists:

- ❖ Current and historical delinquent referrals
- ❖ Probation case plan (services being provided)
- ❖ Current/ongoing concerns regarding youth behaviors (e.g. trauma screen)
- ❖ Parental cooperation with assisting in the completion of the case plan
- ❖ Safety issues in regards to the parents and/or youth

Human Service Zones and/or CHINS Specialists to Juvenile Court:

- ❖ Type of suspected maltreatment and confirmed maltreatment
- ❖ Present and impending danger– current and historical
- ❖ Status of intake forms, present danger plans or safety plans resulting from Safety Framework Practice model
- ❖ Case plan information
- ❖ The subject of the report
- ❖ Current and historical CHINS referrals
- ❖ Services being provided and offered
- ❖ All tools and documents as it pertains to the Safety Framework Practice model
- ❖ Priority Level Intervention status

There are times when a DSY is identified as being under the custody of tribal social services.

This may happen on the data matching side as they are documented as Title IV-E in FRAME but in tribal custody. In this case, the zone worker should contact juvenile court to notify them of

tribal custody. Juvenile court should then reach out to the tribe to discuss any collaborative work that can be done with the youth.

Referral to Family Centered Engagement Meetings:

Once the assigned human service zone worker, juvenile court officer, and/or the CHINS specialist have had a conversation to discuss the dual status youth and have shared pertinent information it must then be determined if a referral to a Family Centered Engagement meeting is necessary.

Family Centered Engagement meetings are required to be held for the following circumstances:

- ❖ When there is active involvement concurrently in both systems and it is the youth's first time being identified as dual status
- ❖ When there is active involvement in one system and previous involvement in one of the other systems within the last year and it is the youth's first time being identified as dual status
- ❖ When it is a CHINS DSY and it has been determined by the CHINS specialist that there needs to be a high-level intensity intervention
- ❖ When there is a youth in detention or another placement who cannot return home

If you receive a DSY notification relating to an emergency removal/shelter care, juvenile court and zones must immediately initiate an FCE meeting to be held within 96 hours prior to the Shelter Care hearing.

- The worker with the most recent case action will make the referral for an FCE unless it is determined through initial conversations with the human service zone staff/CHINS specialist and juvenile court staff that one party over the other already has an

established relationship with the family and they will make the referral. It is important to work collaboratively to complete the FCE referral form prior to sending to The Village.

The Dual Status Youth Initiative strives for 100% Family Centered Engagement meeting compliance for all youth who have been identified as dual status for the first time.

- ❖ ***If all three - CHINS, Delinquent and/or, FC, CPS/IH - then meeting must occur for first time DSY.***
- ❖ ***If strictly a CHINS/Delinquent DSY then an FCE is only required when the CHINS specialist has determined the youth is on high intensity intervention status.***

What to do when you are notified of a DSY and it is a subsequent referral/child welfare involvement? If the youth has come in on a subsequent referral or child welfare involvement you should:

- ❖ Contact the Zone worker, CHINS specialist, or juvenile court officer to discuss the current situation
- ❖ Review the goals of the current plan
- ❖ Determine if another FCE meeting is necessary (See additional meeting examples below)

Additional Family Centered Engagement meetings on subsequent referrals and/or child welfare involvement should also take place if:

- ❖ Additional information has been received, or a significant change in circumstance has occurred that elevates the child's risk for out of home placement/removal
- ❖ There is an additional concern that differs from the original notification/report or another legal charge on the child has been received
- ❖ The youth has a CHINS referral and has moved from a moderate to high intensity intervention
- ❖ The child's parents/caregivers or other professionals have requested an FCE meeting due to conflict within the child and family team that cannot be mitigated by the agency

Situations where a Family Centered Engagement meeting may not be necessary - There may be situations in which a meeting may not be needed. Any of the following situations may indicate no need to hold a meeting:

- ❖ Parent refusal * When a refusal occurs the JCO/CW/CHINS will collaborate to develop a plan to address concerns
- ❖ Family moved out of state and is no longer a resident of ND
- ❖ Inaccurate information on COGNOS report – Flagged incorrectly
- ❖ Inability to contact the parent/custodian – No return communication
- ❖ Juvenile is in out of home placement and no action by the Juvenile Court is requested on the new delinquency
- ❖ An FCE may not be appropriate if the nature of the CHIPS case involves a criminal investigation
- ❖ **For Subsequent referrals:** Goals of the plan are still appropriate and have not changed

□ **Tracking why a meeting wasn't held** - *If there is an exception and a meeting is not held, the juvenile court officer is to follow the business practice manual to document why a meeting did not take place.*

The Spirit of Family Centered Engagement Meeting

Conversations with Families

The delivery of the discussion surrounding dual status youth **MATTERS** and may be the difference between holding a family centered engagement meeting, or not. Remember, whether you're the parent of a youth involved in an investigation with child protective services, a parent of a youth in foster care, a parent of a youth engaged in CHINS behaviors, or a parent of a youth engaged in delinquency, *you're going to be stressed and seeking help and solutions.* The family centered engagement process is an opportunity for all involved parties to come to the table prepared to have a meaningful discussion about the circumstances of their situation

and to develop a plan to address the concerns contributing to the reason they're involved in the first place. Staff should use an approach that gives the parent(s) or guardian(s) meaningful insight into how a family centered engagement meeting can benefit their family and the circumstances surrounding their involvement with child welfare, juvenile justice and/or CHINS.

What happens after an initial FCE?

A follow up meeting will be scheduled to occur within 30 days of the initial FCE.

- ❖ At initial FCE meeting, Zones, CHINS specialists, and JC are to designate the agency that will provide the follow up collaborative meeting. At the end of the FCE meeting the Zone/CHINS specialist and/or JC will schedule a collaborative meeting with the family, Zone and JC and CHINS specialists to take place either in person, telephone or via videoconferencing. The goal of the collaborative follow-up meetings is to address the safety plan and to ensure that the services are accessible to the family and will address any other concerns that the family may have.
- ❖ For DSY in IH or FC - If the follow up meeting falls within the timeframe of when there is also a Children and Family Team Meeting (CFTM) you do not need to hold an additional follow up meeting and may utilize the CFTM. If the CFTM is used in place of a follow up meeting please remember to include juvenile court/CHINS.
- ❖ For CHINS DSY – If the follow up meeting falls within the CHINS protocol meeting timelines, then then you do not need to hold an additional meeting and may utilize the monthly check ins with the CHINS specialist.
- ❖ For cases where there is an open case in one agency with a history in the other, the agency with the open case will provide the follow up meeting. If the referral is closed on both sides the follow up meeting process should be a collaborative effort between the zone, ~~and~~ juvenile court, and CHINS.

Purpose of Family Centered Engagement Meetings (FCEs):

Family Centered Engagement (FCE) is a service provided by The Village Family Services for Human Service Zones, Juvenile Court, and CHINS in partnership, and contract with, the North Dakota Department of Health and Human Services and the North Dakota Judicial Branch. FCE is designed to bring together family members and those with close relationships to the children who are removed, children at risk of removal, and youth who are dual status. FCE is based on the beliefs that:

- ❖ A team can be more effective in making good decisions than an individual
- ❖ Families are the experts on themselves
- ❖ When families are included in decision-making, they are capable of identifying their own needs and strengths
- ❖ Members of the family's own community add value to the process by serving as natural allies to the family and as experts on the community's resources.

Goals of FCE: Although each FCE will define its own unique purpose, the following are guidelines for the goals of an FCE:

- ❖ Determine if placement of the child outside the home is necessary and/or appropriate
- ❖ Engaging families and youth in services to avoid further involvement in the Juvenile Court system
- ❖ To jointly assess the risks, needs, and strengths of the family
- ❖ To assure the team members adopt a trauma-informed response to youth and family, including consideration of trauma-specific treatment if appropriate
- ❖ Determine roles and responsibilities to accomplish and support the completion of a jointly developed plan.
- ❖ Plan for follow up meetings (this could be meetings that are already in place by the agencies working with the family) to check on the status of the case plan.

FCE Attendees

Required:

- ❖ Parents
- ❖ Youth
- ❖ Child Welfare
- ❖ Juvenile Court
- ❖ CHINS

Other attendees can include:

- ❖ Personal supports identified by the youth and family
- ❖ Other professionals who work with the youth and family

Definitions

Juvenile Justice System: The system that involves the use of informal and formal court processes in Juvenile Court and/or the Division of Juvenile Services.

Child Welfare System: A group of services designed to promote the wellbeing of children by ensuring safety, achieving permanency and strengthening families to successfully care for their children. The child welfare system includes Child Protective Services (CPS), In-Home (IH) programing, and children who are removed from the home by court order. Children in foster care may also include children under custody of a Tribe, but not Division of Juvenile Services.

Dual Status Youth: Youth who have been involved in both the child welfare and juvenile justice system in North Dakota. This includes youth who have active involvement in one system with concurrent involvement and/or history in the other system.

Active Involvement: Any current involvement/open case with a child welfare and juvenile justice entity.

Open Case in Child Welfare: Any case open with active involvement in the child welfare system to include children with an open assessment (Child Protection, Family Services, and Alternative Response), those children who were identified as a victim in a child protection assessment with an assessment outcome of “Confirmed”, in-home programming, and foster care.

Open Case in Juvenile Justice System: Any case open with active involvement in the juvenile court and/or the Division of Juvenile Services to include children on diversions by the court, informal probation, formal probation, and/or custody to the Division Juvenile Services.

Child in Need of Services (CHINS): Youth who have engaged in behavior that was previously identified as ‘unruly’ and is often known as a status offense. CHINS eligibility includes:

- A youth who is habitually, and without justification, truant from school or is habitually disobedient of the reasonable and unlawful commands of the child’s parent, guardian, or other custodian
- A youth who is ungovernable, or who is willfully in a situation dangerous or injurious to the health, safety, or morals of the child or others.
- A youth of their own volition running away from the location of the guardian without intent to return who has been located and is in a known safe location
- An offense applicable only to a child, such as breaking curfew
- Underage use of tobacco by a youth between the ages of 10-13

*If a youth exhibits a level of behavior that is referred to and considered more appropriate for a Juvenile Court intervention, CHINS intervention would be a secondary response.

CHINS Low Intensity Intervention: Youth who have been referred to the CHINS Unit with reported concerns that do not indicate the child’s behaviors are outside the scope of normative adolescent behavior for youth as occasionally youth will not follow household rules, may make impulsive decisions, and not consider the consequences of their actions. Notification

of the youth's referral occurs to the parent/guardian and recommendations of services or resources in the community may be made for the family to choose to connect with to address the reported concerns.

CHINS Moderate Intensity Intervention: Youth who have been referred to the CHINS Unit that exhibit unruly behavior that would be considered above normative adolescent behavior; and have the potential to place themselves, or others, at risk of harm. Reported information, any prior referrals received, an assessment completed and screening tools utilized will be reviewed and considered prior to contacting parent/guardian. A thorough interview with the child and family should be conducted to determine the appropriate service response should the parent/guardian agree to assistance in accessing services. The CHINS Specialist will provide support for service arrangements and follow-up to the family for a period of up to three months.

CHINS High Intensity Intervention: Youth who have been referred to the CHINS Unit that exhibit a pattern of behavior over an extended period of time; and have confirmed that the youth have put themselves, or others, at great risk of harm. Reported information, prior referrals received, assessments completed, and screening tools utilized will be reviewed and considered prior to contacting the parent/guardian. A thorough interview with the child and family would be conducted to determine what appropriate service response ~~should~~ the parent/guardian agree(s) to assistance in accessing services. The CHINS Specialist would provide the parent/guardian with assistance in arranging services, parental education & support for a period of up to six months.

CHINS Screened Out: Youth who have been referred for CHINS behaviors but the youth has current involvement with the human service zone, or is on informal/formal probation with juvenile court, DJS or is placed at a residential treatment facility/receiving a higher level of care.

Open Child Protection Assessment: A child protection services report that is currently open for assessment by the Human Service Zone.

Confirmed: A determination made by the Department of Human Services as a result of a child protection assessment. When a decision is made of “Confirmed,” it means that upon completion of a child protection assessment, the department determines, based upon a preponderance of the evidence, that a child meets the definition of an abused or neglected child, and the department confirms the identity of a specific person for the child’s welfare which is responsible for the abuse or neglect.

Confirmed with an Unknown Subject: A determination made by the Department of Human Services as a result of a child protection assessment. When a decision is made of “Confirmed with an unknown subject,” it means that upon completion of a child protection assessment, the department determines, based upon a preponderance of the evidence, that the evidence does not confirm the identity of a specific person responsible for the child’s welfare which is responsible for the abuse or neglect.

Protective Services: Services performed after an assessment of a report of child abuse or neglect has been conducted, such as a social assessment, service planning, implementation of services plans, treatment services, referral services, coordination with referral sources, progress assessment, monitoring service delivery and direct services.

Child Welfare Safety Framework Practice Model: Safety Framework refers to all the decisions and actions required throughout child welfare agency involvement with the family to assure that an unsafe child is protected. Safety Framework respects the constitutional rights of each family member and utilizes the least intrusive intervention to keep a child safe. Safety Framework consists of:

- ❖ Collecting information about the family to assess child safety;
- ❖ Identifying and understanding present and impending danger threats;

- ❖ Evaluating parent/caregiver protective capacities;
- ❖ Determining if a child is safe or unsafe; and
- ❖ Taking necessary action to protect an unsafe child.

Unsupervised Probation/Supervised Probation: Probation is a period of time in which a juvenile court officer is assigned to oversee conditions imposed by the court or agreed to in an informal adjustment agreement. Standard conditions of probation typically will include law-abiding behavior, school attendance, and successful completion of assigned classes, programs, evaluations, or counseling. Supervised probation involves direct contact with a JCO multiple times per month. Unsupervised probation involves limited direct contacts with a JCO with the case being indirectly monitored as to whether conditions are being completed

Pending Intake Decision: Referrals to Juvenile Court arrive daily from law enforcement, agencies, private third parties, and schools. A preliminary inquiry is completed by Juvenile Court and a decision as to how to proceed in the matter (diversion, informal, formal, etc.) is based on the intake matrix.

Diversion That Has Not Been Completed: An intervention strategy made by a person with authority which directs the child away from formal court processing to a specifically designed program, or activity, to hold the child accountable for the actions of the child and prevent further involvement in the formal legal system that has not been successfully completed due to noncompliance.

New Delinquent Report and Under the Custody of DJS: Referrals for youth already under the custody of DJS that receive additional citations while under their custody are reviewed by the Juvenile Court. A determination is made based on best practice and communication with DJS as to how the citation will be handled in Juvenile Court.

Memorandum of Understanding on Information Sharing

I. Parties

This Memorandum of Understanding (hereinafter "MOU") is entered into by the state of North Dakota, acting by and through the North Dakota Department of Human Services (hereinafter "DHS") and the Office of North Dakota State Court Administrator (hereinafter "COURT"). DHS and COURT may each be referred to herein as a "Party" or, collectively as the "Parties."

II. Effective Date, Term, and Termination

This MOU is effective upon the last day of execution by both Parties through their authorized agents on the dates set out below. This MOU shall continue indefinitely from the date of execution until terminated by either Party. Either Party, with or without cause, may terminate this MOU upon written notice of termination, stating the effective date of such termination.

III. Purpose

The purpose of this MOU is to facilitate the sharing of information between DHS and COURT so that both entities may better address the needs of and provide services to children involved in both the child welfare services system and the juvenile justice system.

IV. Sharing of Information

1. DHS and COURT agree to share personal identifiable information necessary to identify a child and their family who are currently involved in the child welfare services system and the juvenile justice system.
2. Data records will be retained in accordance with State law or rules.
3. Information will be transferred from each Party's data system into a separate database accessible only to mutually authorized DHS and COURT officials who have been designated to identify children involved in both the child welfare services system and the juvenile justice system.

4. This separate database will be hosted on state servers and protected with appropriate security measures to the degree necessary under state and federal law.
5. Access to this database will be only granted by mutual agreement of both Parties based on clearly defined purpose and usage parameter
6. Access to this database and any secondary access required to the Parties' source databases will be audited yearly by DHS and both Parties must reauthorize existing access.
7. For any child identified through this process, a representative from DHS or COURT will contact their authorized counterpart to exchange minimum information necessary to carry out COURT's and DHS's responsibilities under the law.
8. Both Parties agree and acknowledge that neither Party will be held responsible for omissions or errors in the information furnished to each other under this MOU. Furthermore, neither Party makes any representations, either expressed or implied, regarding accuracy, use, nor fitness for any specific or general purpose of the information furnished to each other, other than the information was current at the time of transmission to each other.
9. The Parties agree to conform to all applicable federal and state laws in effect during the period of this MOU which, in any manner, affect the access and utilization of any maintained information the Parties acquire and use under this MOU.
10. Either Party will notify the other of any breaches of this database within five business days from the date of first notice. Both Parties will assist each other in fulfilling their respective duties.
11. All information obtained as a result of this MOU is to be used exclusively for the purposes described herein.

V. Authorization

Sharing and use of Information between COURT and DHS must comply with North

Dakota Century Code Sections 27-20-51 and 50-25.1-11, the federal Child Abuse Prevention and Treatment Act (P.L. 93-247), and all other provisions of federal and state law in connection with the activities as defined under this MOU.

VI. Integration, Modification, and Conflict In Documents

This MOU constitutes the entire agreement between the Parties. The terms of this MOU may not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by the Parties, and attached to this MOU. Such waiver, consent, modification, or change, if made, will be effective only in the specific instance and for the specific purpose given.

VII. Force Majeure

If performance of this MOU is rendered impossible or is delayed, interrupted, or prevented by reason of any strike or similar labor difficulty, accident, fire, explosion, flood, mobilization, war, hostilities, riot, rebellion, revolution, blockade, act of public enemies, act of God, act of the federal or state government, or by any other cause, whether or not specifically enumerated above, which is beyond the reasonable control of the Parties, then the Parties may be excused from performance of any obligation under this MOU.

VIII. Applicable Law and Venue

Parties agree that this MOU will be governed by and construed in accordance with applicable federal law and the laws of the state of North Dakota.

IX. Confidentiality

Parties acknowledge that, during and after the term of this MOU, they share an obligation and responsibility to protect personal identifiable information obtained and used in the performance of this MOU.

X. Notice

All notices, certificates, or other communications are given when delivered or mailed, postage prepaid, to the Parties at their respective places of business as set forth below or at a place designated in writing by the Parties.

XI. Disputes

In the event of any disagreement between COURT and DHS arising under or relating to the performance of this MOU, the Parties must, upon written request of either Party, consult and work together in good faith and in a timely manner to resolve the disagreement. Any dispute that is not resolved or mutually extended by means of consultation within thirty (30) days of the written request for consultation will automatically terminate the continued sharing of the disputed information or the disputed use of the information in question.

XII. Assignment

Neither Party may assign nor transfer their interests or duties under this MOU without the express written consent of the other Party.

Severability

If any term of this MOU is declared by a court having jurisdiction to be illegal or unenforceable, the validity of the remaining terms will not be affected and, if possible, the rights and obligations of the Parties are to be construed and enforced as if the MOU does not contain the illegal or unenforceable term.

XIII. Signatures

DHS and COURT, by the signature below of their authorized representatives, hereby acknowledge that DHS and COURT have read this MOU, understand it, and agree to be bound by its terms and conditions.



CHRISTOPHER Jones, EXECUTIVE DIRECTOR of DHS

Services (OHS) 600
E Boulevard Ave, Dept. 325 Bismarck,
ND 58505-0250 Telephone: (701}
328-2538
Email: cdjones@nd.gov

North Dakota
Department of
Human

DATE



9/12/18
DATE

NORTH DAKOTA STATE COURT ADMINISTRATOR

Office of North Dakota State Court Administrator (COURT) 600 E
Boulevard Ave, Dept. 180
Bismarck, ND 58505
Telephone: (701) 328-4216
Email: sholewa@ndcourts.gov
