

JUVENILE COURT
POLICY/PROCEDURE

**EXCHANGE OF INFORMATION BETWEEN
THE COUNTY DEPARTMENT AND SCHOOLS**

I. DELINQUENTS AND JUVENILES IN NEED OF PROTECTION OR SERVICES

POLICY

Information from the Department of Human Services to the School District:

Pursuant to §938.78(2)(a) & (b) and subject to any Memorandum of Understanding entered into between the Department and a school district, the County Department is permitted to **confidentially** disclose the contents of any record kept or information received about an individual in its care or legal custody for the purpose of coordinating services, conducting investigations, or taking other appropriate actions as may be necessary for either the department or the district to perform their duties.

"In their care or legal custody" is defined to include any individual/child in which the department is involved in conducting an intake assessment, providing services pursuant to a court order or on a voluntary basis, or is defined by the department to be an "open" case.

Information from the School District to the Department of Human Services

Whenever a school official makes a referral to Intake pursuant to §938.24 alleging that the named juvenile is habitually truant from school and in need of protection or services which can be ordered by the court, the official shall provide all the information required by §118.16(5). This disclosure of both progress and behavioral information is lawful because the law authorizing this disclosure, §118.125(2)(g) was in effect prior to November 19, 1974, and therefore is exempt from federal law. The Juvenile Court Judge is the "public official" within the meaning of this statute and is authorized to receive such information through the intake unit.

With respect to all other referrals, intake inquiries and preparation of dispositional reports, pursuant to §938.78(2)(b)2 and subject to any Memorandum of Understanding entered into between the School District and the Department, a school district in which the individual is enrolled is authorized/ordered to **confidentially** disclose to the County department any information contained in the district pupil records as may be necessary for the agency to provide care and treatment for the individual. The department may use the pupil records only for the purpose of providing care and treatment and the district may make the records available only to employees of the department who are providing treatment or care for the individual. Only that information necessary to provide safe and reasonable treatment, supervision, or planning for the individual may be further shared (verbally) by the

department with other individuals providing direct care, supervision, or treatment pursuant to a contractual agreement or memorandum of understanding with the department.

The authorization contained in this policy has the effect of a Court Order as may be required under §938.78(2)(a) or (b)2.

CONTINUING CONFIDENTIALITY

Any record or information exchanged under this policy or disclosed by court order is subject to continuing confidentiality requirements unless otherwise permitted by statute or court policy or Court Order.

II. CHILDREN IN NEED OF PROTECTION OR SERVICES (CHIPS)

POLICY

The County Department is permitted to disclose the following information to the school attended by the child:

- Whether the case is open for social services
- Whether the case is currently assigned to a social worker, and if so who
- What is the current status of Juvenile Court jurisdiction and or at what stage potential jurisdiction is in (e.g. pending investigation, court pending, etc.)
- Whether there is evaluation information in the possession of the department that would enable the school to carry out their educational responsibility (e.g. intellectual assessment, social/emotional status, academic achievement, etc.). If yes, whether there is a current court order authorizing release of that information, and if not whether the school is requesting that the department submit such a request to the court.
- Information on referrals to voluntary services in child welfare investigations that did not result in the filing of a Juvenile Court petition.
- **May verbally disclose** information from court records which are contained in department files, except for clinical (psychiatric/psychological) and AODA evaluations, for the **limited** purpose of facilitating joint planning for educational needs. Disclosure of Court ordered clinical evaluation records or information requires a court order.
- Information regarding day care services when travel plans are in question.

Whenever a school official makes a referral to Intake pursuant to §48.24 alleging that the named juvenile is habitually truant from school and in need of protection or services which can be ordered by the court, the official shall provide all the information required by §118.16(5). This disclosure of both progress and behavioral information is lawful because the law authorizing this disclosure, §118.125(2)(g) was in effect prior to November 19, 1974, and therefore is exempt from federal law. The Juvenile Court Judge is the "public

official" within the meaning of this statute and is authorized to receive such information through the intake unit.

With respect to all other referrals, intake inquiries and preparation of dispositional reports, county department staff should receive the following information unless parental objections has been registered with the school:

- Whether or not the child is enrolled, and if so where.
- Whether the child is in regular attendance at the registered school
- The name of the school contact person
- Further information may be obtained by parental consent or specific court order

CONTINUING CONFIDENTIALITY

Any record or information exchanged under this policy or disclosed by court order is subject to continuing confidentiality requirements.