

Department of Juvenile Justice, Cabinet for Health and Family Services, and
Administrative Office of the Courts

With the State Interagency Council (SIAC)

Memorandum of Understanding

In a spirit of cooperation between the Department of Juvenile Justice (DJJ) and the Cabinet for Health and Family Services (CHFS), Department of Mental Health and Mental Retardation, State Interagency Council, and Administrative Office of the Courts (AOC) in an effort to provide services to serve the best interests, as well as community safety, of the children of the Commonwealth of Kentucky and their families, the following guidelines are adopted to assist the personnel of each agency in providing the most appropriate services and treatment to children and their families;

All agencies agree that the best interest of the child is the governing factor in interpreting this memorandum of understanding;

Each agency shall not initiate any court action or generate courtroom conflict in violation of the spirit of this agreement;

Each agency shall not act in violation of any statutes, regulations or policies pertaining to the operations or activities of that agency;

The format of the Regional Interagency Councils (RIAC) or the Local Interagency Council (LIAC), when applicable, shall be utilized to review the youth and family's current risk and needs to assist in making the recommendations regarding services for the youth and family. The consultation from the RIAC will be requested by the DCBS or DJJ Case Manager by completing the "RIAC Consultation Request Form" (Attachment A) and sending it to the Local Resource Coordinator (LRC)(see Attachment B). In addition, the RIAC/LIAC shall be available for ongoing case consultation as requested by the DJJ or DCBS Case Manager.

The RIAC is made up of representatives of Department of Community Based Services (DCBS), Public Health, Department of Mental Health and Mental Retardation (MHMR), DJJ, AOC, Department of Education, and parent representatives. Reference KRS 200.509;

DCBS shall provide DJJ with information related to the youth's and his/her family's active involvement with DCBS. Staff of both agencies shall provide the most current information, required for the referral to RIAC, in the best interest of the child and family to present to the RIAC.

If the DCBS and DJJ representatives involved in the RIAC meetings are not able to resolve internal processes, individual case issues to come to agreed recommendations regarding services for the youth and family, the information from both agencies involving the respective recommendations shall be forwarded through the regional supervisory chain of each agency. If an agreement is not reached at the regional level, then it shall be forwarded to each agency's Central Office to designated individuals within each agency.

For youth with an open DCBS case involving dependency abuse or neglect and pending or adjudicated public offense charges, excluding youth with pending or adjudicated sexual offenses as defined in KRS 635.505 and KRS 17.165, the processes outlined below shall be followed to assist the staff of each agency to resolve issues of care and treatment.

1. The youth's case shall be referred to the RIAC by the DJJ worker within two working days of adjudication. The DCBS worker, if appropriate, shall cooperate in this process by providing the youth and family's historical information regarding the youth and family's current circumstances.
2. The RIAC shall meet to review the youth's case within 30 days of receipt of the referral or sooner if the disposition hearing is scheduled by the court. If the RIAC does not meet prior to the disposition hearing, due the scheduling of such, the youth's case shall be presented at the first available opportunity.
3. The RIAC shall review the information provided and make a recommendation to the DJJ case manager and the DCBS case manager regarding the available services for the youth and family. These recommendations for services shall be incorporated into the dispositional recommendations to the court. The recommendation regarding the services for the youth and family may also include, but not be limited to,
 - a. Education
 - b. Vocational
 - c. Mental health
 - d. Physical health
 - e. IMPACT services, if appropriate and available
 - f. Family interventions
 - g. Individual youth interventions
4. The dispositional recommendation as to the public offense charges shall be consistent with the assessment and classification process promulgated by DJJ regarding classification of the youth. The classification process shall take into consideration all factors that shall mitigate or aggravate the classification of the youth.
5. Once the recommendations are agreed upon, the DJJ case manager shall prepare the dispositional report for the court following processes outlined in policy. The DCBS case manager may also attend the dispositional hearing to support the recommendation to the court.

6. If the court orders the youth to remain under the supervision of DCBS, the DCBS case manager shall assume case responsibility and shall implement the plan taking into consideration the recommendations of the RIAC. The DJJ case manager shall be available for consultation to assist in the implementation of the youth's ongoing treatment plan. The DCBS case manager shall be responsible for all reports and progress reviews provided to the RIAC.
7. If the court orders the youth is to be probated to DJJ, the DJJ case manager shall assume responsibility for coordinating services and the monitoring of the youth's compliance with the Conditions of Probation. They shall also take into consideration the recommendations of the RIAC. The DCBS case manager shall continue to maintain case responsibility as the primary case manager. The DJJ worker and the DCBS Case Manager shall request a RIAC consultation as needed to assist with the planning of the youth's release/discharge from DJJ probation.
8. If the court orders the youth to be committed to DJJ, the DJJ case manager shall assume case responsibility and shall implement the plan taking into consideration the recommendations of the RIAC. The DCBS case manager shall continue to actively participate in the progress reviews of the specific youth and family. The DJJ/DCBS Case Manager shall request a RIAC consultation as needed to assist with the planning of the youth's release/discharge from DJJ commitment.
9. If DJJ has case management responsibility, the information for the RIAC shall be gathered and presented by the DJJ case manager with other information being presented by other service providers as appropriate. Written progress reports shall also be forwarded to the DCBS case manager.
10. Meetings shall be held with the IMPACT Service Team, if appropriate, or the LIAC to review the progress of the youth and family. The review will encompass the youth and family involvement and compliance with recommended services, as well as, the partner agencies referral, provision and monitoring of the recommended services.
11. Once the DJJ case manager determines that a youth probated to or committed to DJJ has completed the treatment/service plan, the RIAC shall be consulted, in conjunction with the DJJ and DCBS case managers, to assist in developing recommendations for continued services for the youth and family upon the youths' release from probation or commitment.
12. These recommendations shall include, but not be limited to, whether continued involvement with DCBS is necessary due to abuse, neglect or dependency issues, make recommendations to the court regarding continued commitment as a public offender or dependent child, and recommendations regarding integration and transition back to the family and community.
13. The DJJ case manager shall prepare and provide the recommendation for the youth's release from probation or commitment to the court. The DCBS case manager shall assist as needed and may attend the court hearing, if held, to support the recommendation.
14. Once the youth is released from probation to DJJ, the DCBS case manager shall continue case responsibility provided that issues of abuse, neglect or dependency still exist. In addition, if the youth is released from commitment to DJJ, the DCBS case manager shall

assume case responsibility provided that issues of abuse, neglect or dependency still exist. The involvement with the RIAC may continue while the youth is active with DCBS.

In circumstances where a youth is probated or committed to DJJ without previous notice to DJJ, DCBS shall share all appropriate information and the youth's case shall be referred to the RIAC by the DJJ case manager to review the youth's case and assist in establishing the plan for the youth and family.

CHFS will accept all reports of abuse, neglect or dependency on a child committed or probated to DJJ (who is not placed in a Department of Juvenile Justice state operated facility) and investigate them according to the law. This memorandum of understanding is to be read in conjunction with the Memorandum of Understanding between the Justice and Public Safety Cabinet and Cabinet for Health and Family Services entered into on October 14, 1998, and shall not impact that agreement. When issues of abuse, neglect or dependency have arisen after a DJJ committed child has been placed at home on supervised placement, DJJ will cooperate with CHFS in the investigation. DJJ will not place a child at home on supervised placement where abuse, neglect or dependency is likely without first consulting with local staff of CHFS to determine that no safety concerns exist.

Both DJJ and CHFS will utilize KRS 610.160, any time it is appropriate, to ask for the court's assistance in compelling the parents, guardians or legal custodians of a child to participate in the child's treatment and care, particularly where such efforts might result in avoiding a commitment of the child to either agency.

A commitment of a child to DJJ as a public offender will be cause to terminate a status commitment. However, a commitment to DJJ as a public offender will not be cause to terminate an abuse, neglect or dependency commitment.

For any other circumstances involving a status offender or a dependency, neglect or abuse, a referral for consultation with the RIAC shall be made in instances where there is an open case of abuse, neglect, and dependency for joint assessment, planning, and case management. A referral may also be made in instances where the assessment of the youth's circumstances indicates that the matter may be more appropriately handled in the Family Court system. In these situations, both agencies will work together in the best interest of the child. However, for the duration of the public offender commitment, DJJ will take primary responsibility for the care and treatment of the child.

DJJ will assume responsibility for any status conduct committed by a child either probated or committed to DJJ.

In those situations where issues of dependency arise during the DJJ commitment (for example, either parents are incarcerated or deceased or all other siblings have subsequently been removed from the home) the DJJ worker shall notify DCBS and initiate the process to refer the youth to the IAC for review and case planning. If a recommendation to file a petition of dependency is being considered the RIAC may be consulted.

In matters of referrals for abuse, neglect or dependency, DJJ agrees to provide any and all records in its possession and control to DCBS regarding that child, to the extent permitted by law. Likewise, DCBS will share any and all records in its possession and control, regarding a child who is has been adjudicated on a public offense to the extent permitted by law.

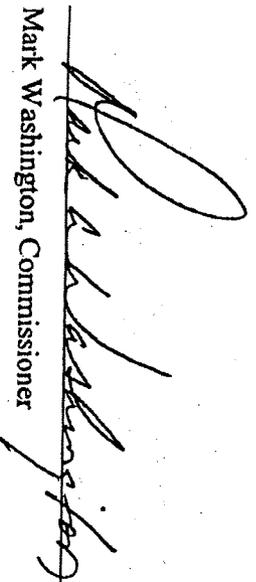
DCBS and DJJ mutually agree to cooperatively provide the number of children under the care of DCBS who are transferred into the custody DJJ on an annual basis. It is understood that this data is required for the annual federal reporting requirements of each agency.

The parties agree to meet at the request of either party to consider in good faith any future modifications or additions to the guidelines set forth in this Memorandum of Understanding.

The parties to this agreement agree to abide by the "HIPAA Privacy Rule," 45 CFR Parts 160 and 164, established under the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (42 USC 1320d) to protect the security, confidentiality, and integrity of health information.

It is understood that these are merely guidelines, and that facts and circumstances of a particular case may require a different result than the guidelines direct in order to serve the best interest of a child. As such, this memorandum of understanding is to assist DJJ and DCBS workers in serving their clients and is not binding on the courts. In the event the community workers from each agency cannot agree on the best course of action to take regarding a given child, after having consulted with their respective supervisors and these guidelines, the specific case information should be forwarded to each agency's designated contact persons to arbitrate a resolution to the matter.

Inasmuch as the purpose of this Memorandum is to foster a spirit of cooperation between agencies and to serve the best interests of the child, and not an attempt to reduce caseloads, it is understood that neither agency will initiate petitions in an attempt to transfer youth to the other agency in violation of the spirit of this Memorandum of Understanding.


Mark Washington, Commissioner

Department of Community Based Services

Signed on 2nd of July, 2007


Bridget Skaggs Brown, Commissioner

Department of Juvenile Justice

Signed on 3rd of July, 2007


Dr. John M. Burt, Commissioner

Department of Mental Health and Mental Retardation

Signed on July of 12, 2007


Jason Nemes, Director

Administrative Office of the Courts

Signed on 10 of September, 2007