

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ORDER 13-14**

**Revised Cross-Agency Sharing of Juvenile Information – Supersedes
Administrative Order No. 13-10**

WHEREAS, the Superior Court through its Family Court Social Services Division (CSSD) and the Department of Youth Rehabilitation Services (DYRS) are responsible for the supervision of certain court-involved youth and seek to strengthen their respective programs and services designed to improve public safety and enhance the rehabilitation of those youth; and

WHEREAS, the Court Services and Offender Supervision Agency (CSOSA) and the Pretrial Services Agency (PSA) are responsible for the supervision of certain adults who are on probation, parole, supervised release, or pretrial release, and seek to ensure community safety and compliance with conditions of supervision, while also addressing the particular needs of persons they are supervising; and

WHEREAS, the Child and Family Services Agency (CFSA) is responsible for providing services and family stabilization resources to youth alleged to be abused and/or neglected and their families, and is responsible for providing temporary and long term placement services to CFSA committed youth between the ages of 18-21, who have been adjudicated by the Superior Court for a criminal offense and are also under the jurisdiction of either CSSD, DYRS, or CSOSA; and

WHEREAS, some persons are being simultaneously supervised by PSA, CSOSA, DYRS, CSSD and CFSA; and

WHEREAS, CSSD is responsible for making recommendations to judicial officers relating to whether a person charged with a juvenile offense should be released or detained pending trial, providing pretrial supervision of persons charged with juvenile offenses and providing probation services, and such other services as the court shall prescribe, D.C. Code §11-1722; and

WHEREAS, DYRS is responsible for providing rehabilitative services for committed and detained persons charged with juvenile offenses and Persons in Need of Supervision (“PINS”); and

WHEREAS, CSOSA is responsible for providing community supervision for adults on probation, parole, and supervised release, juveniles on probation for traffic matters, and juvenile respondents in civil protection matters in the District of Columbia, and for preparing comprehensive pre-sentence and post-sentence investigation reports for offenders in order to assist judges and corrections decision makers in understanding the treatment and supervision needs, risk assessment, and classification requirements of individual offenders, D.C. Code §24-133; and

WHEREAS, PSA is responsible for interviewing adults arrested for a criminal offense in the District of Columbia, seeking independent verification of the information received during the interview, obtaining prior criminal records, and preparing written reports and recommendations to judges making release and detention decisions, and for providing supervision, treatment, and other services to certain persons who have been released pending trial, D.C. Code §23-1303; and

WHEREAS, a judicial officer may consider an adult's juvenile law enforcement and case records in determining whether there are conditions of release that will reasonably assure the appearance of the person as required, and the safety of any other person and the community, D.C. Code §23-1333; and

WHEREAS, PSA and CSOSA have a professional interest in the protection, welfare, treatment, and rehabilitation of court-involved persons including youth, D.C. Code §§16-2331(b) (7), 16-2332(b) (1) (E), 16-2333(b)(3); and

WHEREAS, PSA, CSOSA, DYRS, CSSD and CFSA lack express authority to share information relating to court-involved youth's placement and treatment; and

WHEREAS, the Criminal Justice Coordinating Council (CJCC) is responsible for making recommendations concerning the coordination of activities, the mobilization of resources, and the systematic operations and infrastructure of the member criminal and juvenile justice agencies in order to improve public safety and the administration of the criminal justice system, D.C. Code §§22-4234(a)(1), 22-4234(a)(5); and

WHEREAS, the sharing of information among PSA, CSOSA, DYRS, CSSD and CFSA and the court, the prosecution, and counsel for the youth relating to a court-involved youth's placement and treatment is often necessary to preserve public safety and to promote the youth's protection, welfare, treatment, and rehabilitation; and

WHEREAS, CJCC facilitates and supports the information-sharing process through case reviews, which involves gathering, inspecting, copying, compiling and analyzing information including, but not limited to, juvenile case records, juvenile social records, and law enforcement records, D.C. Code §§22-4233(a), 22-4234(a); and

WHEREAS, alcohol and drug abuse patient records are protected by federal law and generally require the consent of the patient in order for that information to be disclosed, and provision of those treatment services may be conditioned upon receipt of such consent, 42 C.F.R. § 2.14(b); 42 U.S.C. § 290dd-3 as amended by 42 U.S.C. § 290dd-2; 22 D.C.M.R. § 600.7(b); and

WHEREAS, mental health information is protected by District of Columbia law and generally requires the authorization for disclosure from the minor client or that client's parent or legal guardian, D.C. Code §§ 7-1202.05, 7-1208.04, and 7-1231.03; and

WHEREAS, PSA, CSOSA, DYRS, CSSD and CFSA have agreed to obtain the requisite consent or authorization for the disclosure of drug and alcohol treatment and mental health information contained in the records referenced herein, and other information, the disclosure of which is protected by law; and

WHEREAS, PSA, CSOSA, DYRS, CSSD and CFSA have agreed to share confidential youth placement and treatment records among themselves and with the court, the prosecution, and counsel for the youth; and

NOW, THEREFORE, it is by the Court,

ORDERED, that, upon request, authorized personnel of PSA, CSOSA, DYRS, CSSD and CFSA shall be permitted to inspect confidential youth placement and treatment records, other supervision and treatment records maintained by each organization and other information with such consent as may be required by law, and to disclose such records to each other and to the court, the prosecution, and counsel for the youth, but only as necessary to protect public safety or the safety of the youth, or to facilitate the youth's treatment and rehabilitation; and it is further

ORDERED, that PSA, CSOSA, DYRS, CSSD and CFSA and the prosecution, and counsel for the youth shall not disclose the information obtained pursuant to this Order to any party not expressly referenced herein without prior approval of the Court; and it is further

ORDERED, that CJCC authorized personnel may gather, inspect, copy, and analyze juvenile case records, juvenile social records, and law enforcement records to the extent necessary to facilitate and support the information sharing contemplated by this Order; and it is further

ORDERED, that no person given access to juvenile records pursuant to this Order may disclose any such records to any person or use any such records for any purpose other than those expressly authorized by this Order or as otherwise permitted by law; and it is further

ORDERED, that this Administrative Order hereby supersedes Administrative Order No. 13-10.

SO ORDERED.

BY THE COURT

September 9, 2013

/s/
Acting Chief Judge Frederick H. Weisberg,
for Chief Judge Lee F. Satterfield

Copies to:

Judges

Senior Judges

Magistrate Judges

Executive Officer

Clerk of the Court

Division Directors

Director, Office of Strategic Management

Library

Daily Washington Law Reporter

DC Bar Webmaster