

Team Communication and Considerations Regarding Participant Confidentiality

Juvenile Healing to Wellness Court Development and Planning

Developed By: Tribal Youth Resource Center
Strategic Planning Resource Materials
Updated Spring 2021



Communication Planning

Why is communication planning integral to success in the Juvenile Healing to Wellness Court?



Communication is:

- ❖ **A Key Component to Healing to Wellness Courts-** See [Wellness Court Key Component 10- Team Interaction-](#) The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Healing to Wellness Court team members, service providers and players, the community and relevant organizations, including the use of formal written procedures and agreements, are critical for Wellness Court Success.
- ❖ Effective communication is necessary and vital to support youth participants and integral to a “team-based” approach.
- ❖ Wellness Court, by design, sheds the formal rules of evidence and other communication protective measures present in the adversarial system (with consideration to participant confidentiality). (See Tribal Healing to Wellness Courts: [Case Management](#), at 24)

Lessons Learned- Gottlieb Study

From “[Lesson’s Learned from the First Four Wellness Courts](#),” (Gottlieb, 2010)-
Communication is important both internally and externally.

- ❖ *“**Important that teams develop structure.**”*
- ❖ *“Regular communication among team members is **crucial** as well as stability of the core team” - “The team members communication **was good- all the team members showed up, but was not good- when team members do not show up regularly**”*
- ❖ *“**The wellness court cannot be isolated from the rest of the tribal community, but needs to build coalitions** with other tribal departments and community agencies to enhance public trust and confidence to ensure program success.”*

Internal Communication Plans

What they Do:

- ❖ Sets a **foundation** for the team to execute communications effectively.
- ❖ **Supports team coordination** of activities.
- ❖ **Ensures team awareness** of youth's critical needs as well as non-urgent communications. *How will the team support a youth that is in crisis?*
- ❖ **Considers confidentiality/disclosures of confidential information.**
- ❖ Supports ongoing [case management](#).



Information Flow- Beginning Questions

- What information will be shared?
- How will information be relayed?
- How quickly should information be relayed?
 - What information can wait until staffing?
- **Information flow impacts every aspect of case management.**



What Information will be shared?

- Team members share information as necessary to appraise participants' progress in treatment and compliance with conditions of the court.¹
- Execute MOU specific to what will be shared.
- Case management ensures that (1) clients are linked to relevant and effective services; (2) all service efforts are monitored, connected and in synchrony; and (3) pertinent information gathered during assessment and monitoring is provided to the entire team in real time. (See [Wellness Court Key Components 2nd](#) ed., at page 40)

1. Garrow, Tribal 10 Key Components' suggested practices with NADCP's best practices.
<http://wellnesscourts.org/files/Tribal%20Key%20Components%20Suggested%20Practices.pdf>

What Information will be shared?

- Team members contribute
 - Relevant insights
 - Observations
 - Recommendations based on professional knowledge, training, and expertise.
- Judge will consider perspectives of all team members before making decisions that affect participants' welfare or liberty interests and explains the rationale for such decisions to team members and participants. ¹

1. Garrow, Tribal 10 Key Components' suggested practices with NADCP's best practices.
<http://wellnesscourts.org/files/Tribal%20Key%20Components%20Suggested%20Practices.pdf> at 17.

What Information will be shared?

Sample of case staffing updates- information shared could include but is not limited to:

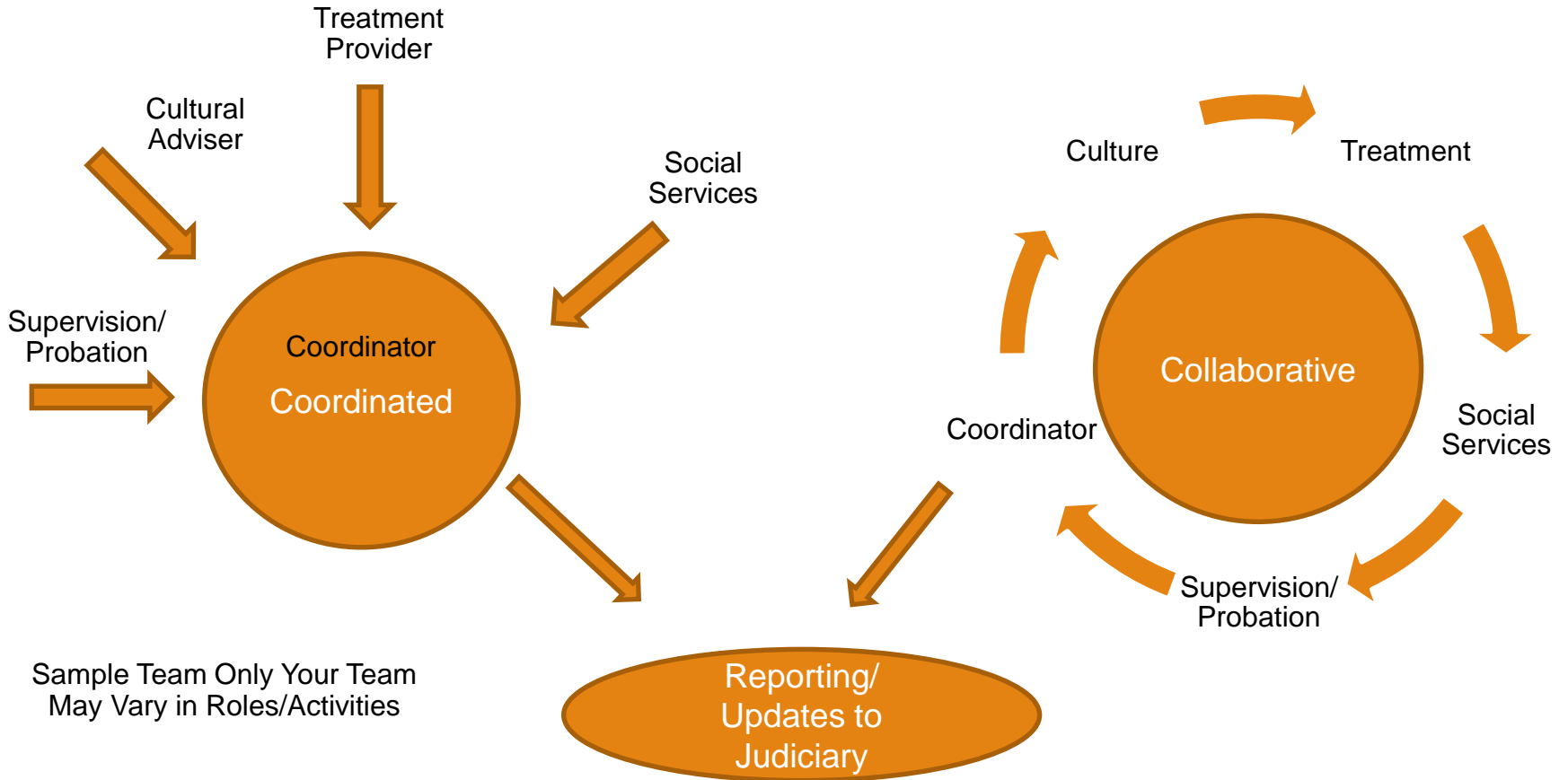
- Assessment results pertaining to eligibility; Should include treatment and supervision needs.
- Attendance at scheduled appointments.
- Drug and alcohol test results.
- Progress toward or attainment of goals.
- Evidence of resolution of “symptoms.”
- Evidence of treatment-related attitudinal improvements.
- Attainment of JHWC phase requirements.
- Compliance with e-monitoring, home visits, check-ins.
- Attendance and school improvements.
- Commission of new offenses.
- Menacing or disruptive behavior toward staff, family, or other persons.
- Family, caregiver updates, coordination with recommended services.

Communication and Case Management

How will the team communicate with each other, with youth participants, and vice versa?



Models of Case Management	Pros	Cons
Independent - Each system is independent, has own case manager who reports to the operational team.	<ul style="list-style-type: none">• Everyone involved; work is divided.	<ul style="list-style-type: none">• Services are not coordinated• Youth and family inundated• Services overlap• Gaps hard to identify
Coordinated - A single person communicates among the various systems to gather and coordinate information about each youth	<ul style="list-style-type: none">• Team receives all progress reports.• Case coordinator alleviates overlaps or gaps.• Case coordinator advocates for youth and families.	<ul style="list-style-type: none">• Requires a dedicated case manager position.
Collaborative - Each system designates a case manager and they work together as a team, pooling information about each youth.	<ul style="list-style-type: none">• Strong advocacy for youth and families.• One complete progress report to full team.• All on “same page”	<ul style="list-style-type: none">• Requires time and cooperation from systems and case managers.



How will information be shared?

- Pre-Court Staffing and through other designed protocols for sharing information within the team.
 - Staffing/Staffing Meeting/Pre-Hearing Staffing is the team meeting that takes place prior to a status hearing.
 - Team members share progress reports for each participant per team protocols- reports submitted to coordinator or shared at team meeting by reporting agency/department.
 - Team members brief judge on any special issues.

How will information be shared?

- Reporting may be through a Court Data Management System
 - Cloud-based management information system.
- Secure email or secure transmission for reports.
- Paper files utilizing forms/templates.
- Other system- Access database/internal database/records-keeping system.
 - **Regardless of the system used to house/transfer information- the goal is to move away from less information to a prioritization of information flow between the multiple service agencies.** ¹

1. Tribal Law and Policy Institute, [“Tribal Healing to Wellness Courts Case Management,”](#) 2018 at 8

Discussion

What methods are currently used or do you anticipate using to transfer information within the court/program setting?

- A. Court case management system/software with multi-user access.
- B. Cloud-Based Information Management System with multi-user/remote access.
- C. Word Processing/Document (Excel) or Internal Database (Access etc.).
- D. Paper records/shared copies of case files.

How quickly should information be shared?

- Case staffing is generally conducted weekly or bi-weekly dependent upon the case processes/docketing/court schedule. General updates can be provided at case staffing.
- **Crisis information** should be shared per designed/implemented protocols to respond to needs and address concerns. (stabilization and referral to necessary services)
- **Compliance Updates-** As needed to address and respond to behavior in a timely manner.
 - Non-compliance (missed drug tests, citations, arrests etc.) that team wishes to address through a sanction/consequence.
 - Sanctions and incentives are most effective if they are imposed immediately.¹

1. Office of Juvenile Justice and Delinquency Prevention, [Juvenile Drug Treatment Court Guidelines](#), 2016 at 24.

Discussion- Share Now or Share Later?

1. Youth participant has missed a counseling appointment, staffing will not occur for five days. **Share now or share later? Why or Why not?**
2. Caregiver reports that youth has been missing for a day. Case recommendations are that youth has a daily 8:00pm curfew. **Share now or later? Why or Why not?**
3. Youth participant's mother has reported that youth has "had a bad attitude" since her last counseling appointment. She is considering moving youth from the home and placing with grandmother in a neighboring town. Staffing is set to occur the next week. **Share now or share later? Why or why not?**

Communication Plans Support Case Management

From Tribal Healing to Wellness Courts, [Case Management](#) (2018) See Tips for Case Managers

- ❖ Case Managers should be clear when communicating with the court team.
- ❖ **Standardize** all methods of communication. **Consider a standardized progress report that each team member completes.** *Note- Standardize does not mean NO flexibility, communication plan should consider youth, team and partner needs.*
- ❖ **Meet and communicate regularly** with the court team.
- ❖ **Maintain** separate and **distinct avenues for sharing information** between the judge and participant, case manager and participant, and case manager and judge.

Develop Team Tools

Standardizing forms and communication formats will assist with information flow and team awareness



Wellness Court Progress/Compliance Report ⁵⁹		
Today's Date:		Case Number:
Participant Name:		DOB:
Current Phase:	Phase:	Week:
Date Moved to Current Phase:		
Proximal Goal(s):		
Coordinator Comments:		
Treatment Provider #1 Comments [Insert Name of Treatment Agency]		
Treatment Provider #2 Comments [Insert Name of Treatment Agency]		
VRNA Comments		
Social Worker Comments		
Attendance: <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor		
Effort in Change/Recovery: <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor		
Days of Sobriety:		Recovery Sponsor(s): <input type="checkbox"/> Yes <input type="checkbox"/> No
Number of Relapses Since Intake: ____		Family Involvement: <input type="checkbox"/> Yes <input type="checkbox"/> No Supportive Family: <input type="checkbox"/> Yes <input type="checkbox"/> No
Supportive Group Attendance:	Number of Meetings Since Last Update:	Drug/Alcohol Screen Results:
Employment: <input type="checkbox"/> Yes <input type="checkbox"/> No	Employer:	Weeks Employed:
Sanction:		Sanction Received:

[Tribal Healing to Wellness Court Case Management](#)

Develop Team Tools

Standardizing forms and communication formats will assist with information flow and team awareness



Appendix D: Sample Participant Progress Reports

Participant picture	Name:	Phase:	
	Start Date:	Scheduled End Date:	
CASE INFORMATION			
Cause Number			
Convictions			
Judge			
Employer		Shift	[e.g., weekdays]
Driver's License	[Yes/No]	Diploma or GED	
Moved Phases	[Phase/Date]	Scheduled Phase Move	[Date]
TREATMENT			
[Treatment requirements and notes here]			
DRUG TESTING			
POSITIVE TESTS			
Date			
Substance			
MISSED TESTS			
Date			
SANCTIONS			
Date	Sanction(s)	Completed	
	[Description of sanction and notes]	[yes/no; notes]	
FEES			
Drug Court:		Other:	

Court Review Information: [Notes]

Adapted from the Spencer County Drug Court Participant Progress Report, December 2016.

[Tribal Healing to Wellness Court Case Management](#)

Develop Team Tools

Standardizing forms and communication formats will assist with information flow and team awareness



Consider Standardizing Youth and Caregiver Reports

- ❖ See Sample Form- NCJFCJ- [Youth and Caregiver Progress Reporting Form](#).
- ❖ See Wellness Court Bi-Weekly Progress Report (Available for Download)

_____ JUVENILE DRUG COURT

CAREGIVER PROGRESS REPORT

YOUTH _____ DATE _____

PARENT/CAREGIVER _____
(Individual completing the report)

1. What family activities did you and your children participate in last week?
2. What goal(s) did you have for your child this past week? (For example, mow lawn, wash the dishes three times during the week; be on time to school every day)
3. How did your child do with the goal(s)?
4. What concerns or warning signs did you see in your child this past week?
5. Name a strength you saw in your child this past week.
6. Name a strength you saw in yourself this past week as a parent/caregiver.

If your child has a request, please have your child write his/her request at the end of the Youth

To be considered, the request must have your signature/approval.

YOUTH PROGRESS REPORT
DUE MONDAY BY NOON

NAME _____ DATE _____

1. Name three strengths you saw in yourself last week:
 - A)
 - B)
 - C)
2. What emotional concerns or triggers did you experience last week? How did you handle them?
3. When it comes to the work you did to reach your goals for the past week, what would you like the court to know? (For example, what you accomplished, what was hard, what was easy, what was involved to make progress with your goals)
4. My request is (be specific and detailed – who, what, where, when, why and how)

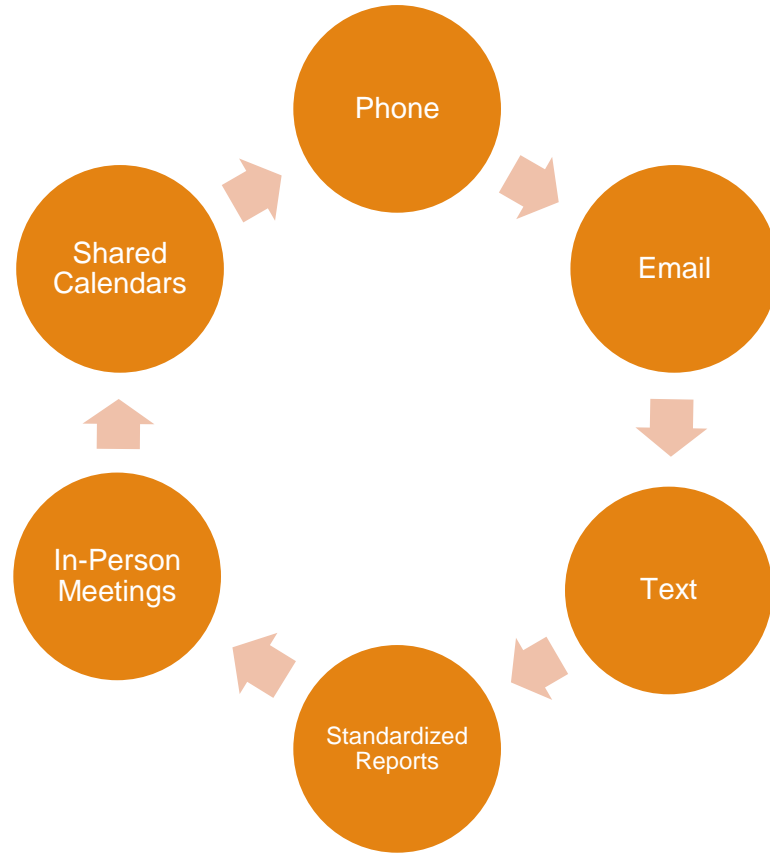
Stop and Reflect

- ❖ **In what ways do you currently communicate within your judicial system?**
 - ❖ **Examples: Meetings, Phone, Email, Reports, Online Case Management Tools/Software, Court Record-Keeping Systems, calendars, bulletin boards, Notices, Letters.**
- ❖ **In what ways can the team standardize communication to support services that will effectively support youth and families?**



Determine preferred methods of communication

Support team members, youth participants, and families by determining effective methods of communication



Consider Necessary Confidentiality

- ❖ Court coordinators and wellness court teams should adhere to all applicable confidentiality laws. Consider all Tribal and Federal laws of applicability. (42 CFR Part 2, HIPAA)
- ❖ Preservation of confidentiality- contributes to court integrity, participant honesty, and trust. (See “[Case Management](#)”, at 24) Confidentiality is applicable AT ALL TIMES
- ❖ Treatment may share what is “necessary”- and team should protect information from unauthorized persons (Id.)
- ❖ See The Tribal Law and Policy Institute’s “[Policies and Procedures Guide](#)” for example waivers/consents at 115.

Consider Necessary Confidentiality

Teams should consider the applicability of two laws:

- [42 CFR Part 2](#)
 - Part protects any information obtained by a “federally assisted” substance use treatment program that can directly or indirectly identify an individual as receiving or seeking treatment for substance use. This can include information beyond treatment records, such as name, address or social security number. §2.12(a)(1).
 - Requires individual **WRITTEN** consent before identifiable information about substance use treatment can be shared. See [subpart C](#) for the elements that must be included in the consent. Review also minor patient stipulations §2.14.
 - There are exceptions to disclosures, including consent, internal communications, medical emergencies, reports of alleged abuse/neglect (if required by state law) reports of a crime on program premises or against program personnel, qualified audits or evaluations of the program, research, qualified service organization agreement.

Consider Necessary Confidentiality

- Review 42 CFR Part 2- https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div5&view=text&node=42:1.0.1.1.2&idno=42#_to_p
- Notice Requirements: §2.22
- Minor patients §2.14
- Consent requirements §2.31

Consider Necessary Confidentiality

- **HIPAA**

- Applies generally to large portion of the health care industry, health care provider-individual or entity that furnishes bills, or is paid for health care in normal course of business and transmits health information electronically in connection with a covered transaction. Protects all health info which identifies an individual.
- There are a number of exceptions for disclosure under HIPAA.
<https://www.cdc.gov/nhsn/hipaa/index.html>
- Consider the applicability of HIPAA to your treatment provider. Ensure advisement and consent.
- See Sample Consent Form language in Wellness Courts, Treatment Guidelines, page 70
http://www.wellnesscourts.org/files/Treatment%20Guide%202nd%20ed_%202017.pdf

Consider Necessary Confidentiality

- ❖ *Consideration must of given to the confidentiality requirements of all partnering agencies including states,*
 - ❖ *Consider California- The California Rules of Court 5.552 control the inspection and dissemination of the juvenile case file. Juvenile case files are not discoverable by subpoena. Certain persons are authorized by law to inspect the records without petition. All other persons must petition the Juvenile Court to inspect the records. All persons must seek Juvenile Court authorization to disseminate the records or information (this includes DAs and other persons permitted to inspect records without petition). <https://www.mercedcourt.org/files/Forms/local/MSC-JV-003%20W&I%20827%20Reference%20Guide%20rev.%2011.1.2018.pdf>*

Develop MOU or Partnership Agreements to Support Communication

- ❖ It may be necessary to develop both internal MOU and external MOU to support partnerships, communication and to support program sustainability.
- ❖ MOU can detail the information that will be shared, by whom, and for what limited purpose.
- ❖ MOU should contain the acknowledgment of the team members as to the applicability of and adherence to federal and tribal laws.
- ❖ *See The Tribal Law and Policy Institute's "[Policies and Procedures Guide](#)" for example MOU at 347.*

Stop and Reflect

- ❖ **What are the existing partnerships the court has with other Tribal departments or local agencies.**
 - ❖ **In what ways do you currently communicate with external partners?**
 - ❖ **What existing MOU or agreements are in place that support communication?**
 - ❖ **What agreements may be needed?**



Starting Points for the Team

- ❖ Document and include confidentiality agreements for team and necessary waivers/consent forms for youth participants.
- ❖ Review current agreements- identify internal team members and develop necessary MOU.
- ❖ Identify external partners take initial steps to discuss the development of MOU.



Supporting Community Awareness

- ❖ Support community awareness of the Tribal Juvenile Healing to Wellness Court
- ❖ Consider the TRUST approach- an approach to promote healing and foster trust
- **“Truths about historical trauma and current inequities that impact the mental health and well-being of Native youth and their families.**
- **Responsiveness to issues and needs identified by Native youth and their families from their perspective.**
- **Understanding of the effectiveness of traditional indigenous healing practices and cultural teachings.**
- **Self-determination of youth and families to guide their behavioral health services.**
- **Transformation of individuals, families, communities, systems of care, and social structures.”**
(Goodkind et al., 2011, p. 454)

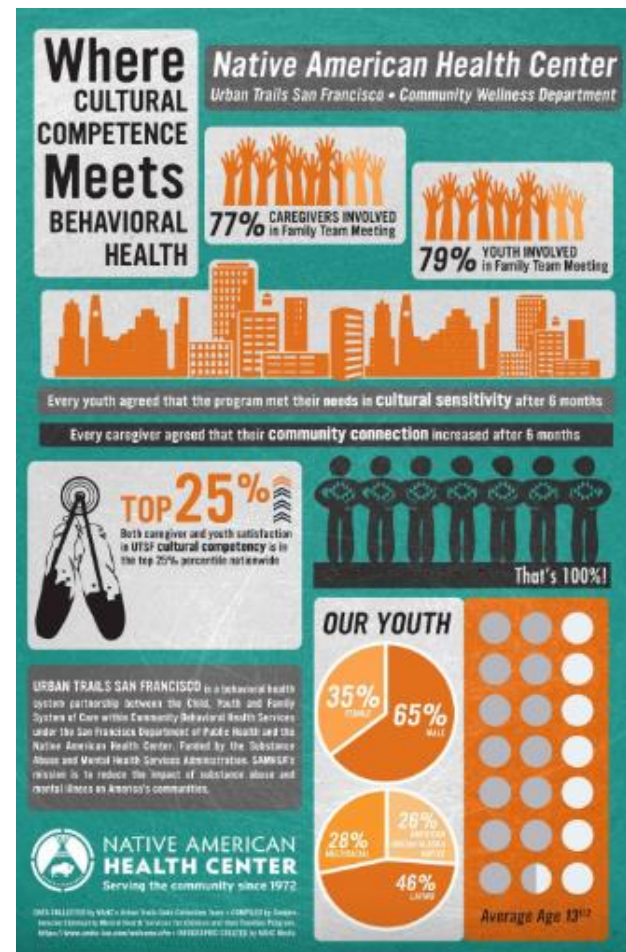
Supporting Community Awareness

- ❖ Utilize community forums, assessments, surveys to garner input on current trends related youth, substance use, community perceptions regarding treatment and rehabilitation.
- ❖ Utilize social media and other online forums to promote the program's message and availability of services.
- ❖ Develop community marketing materials
 - ❖ Brochures/Posters
 - ❖ Information- Radio, Newspaper, Media, Broadcast, School Outreach



Example- Program Infographic

- ❖ Can include local demographic information
- ❖ Program Message
- ❖ Program Information



Example- Program Brochure

Cover

YOUR DEPENDENCY FAMILY COURT TEAM

- A **Judge**
- Your **Social Worker**
- A **Social Worker** who is a connection between the court and your Social Worker
- A **Mentor Parent** who has been through the child welfare system and can help support and guide you
- A **Coordinator** coordinates the DWI court reviews and related meetings
- An **"Assessor"** who will help you decide what type of drug treatment is best for you
- A **Domestic Violence and Trauma Specialist**
- A **Child Advocate (CASA)** who helps both you and your child
- A **Family Support Specialist** who helps children and families get the services they need
- A **Case Manager** assists with parent resources
- An **Eligibility Worker** who can help you find out what benefits you qualify for
- **Parents' (your) Attorneys**
- **Children's (your child's) Attorneys**
- An **Attorney** from the Department of Family and Children's Services
- An **Adult Mental Health Liaison** Other people who may work closer with your team, including:
 - A Drug Treatment Counselor
 - A Parent Therapist
 - A Home Visitor
 - A Public Health Nurse
 - A Children's Mental Health Specialist

Santa Clara County Dependency Wellness Court



Dependency Wellness Court is part of the Juvenile Dependency court and is located at:

SUPERIOR COURT OF CALIFORNIA
115 TERRAINE STREET
SAN JOSE, CA 95110

Inside



WHAT IS THE DEPENDENCY WELLNESS COURT?

The Dependency Wellness Court is a program designed to support parents with:

- Getting clean and sober
- Addressing issues that brought them to the court
- Making sure their children get the services they need
- Living happier and healthier lives

WHY ARE YOU IN DEPENDENCY WELLNESS COURT?

You are part of the solution! As a parent, we want you to help us understand and support you and your children so you can grow and thrive as a family.

HOW CAN WE HELP YOU?

In DWI, you will get support from an entire team of people who want to see you succeed and reunify with your child. They will give you advice, be there to listen and help you get connected to services in your case plan and in the community.

You will have a "Mentor Parent" who will support you in your recovery and in getting through the court and child welfare systems. As someone who has been in your shoes before, your mentor parent understands what you are going through.

You will have help getting into drug treatment so that you can learn to be a clean and sober parent.

If you have a child under the age of six, you will have a Public Health Nurse who will help you stay connected with your child and make sure your child gets all the services he or she needs.

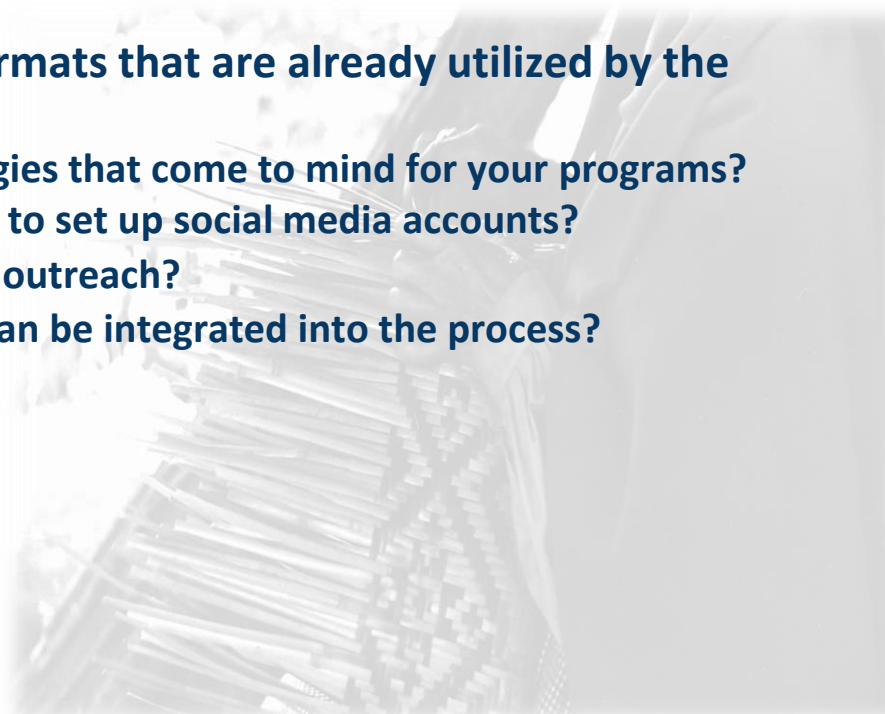


WHAT YOU NEED TO DO?

- Believe in yourself. You can do it.
- Read and follow the instructions you will be given.
- Come to all your Dependency and Dependency Wellness Court hearings.
- Stay in your treatment program, even when it gets hard.
- Be honest with the team. We cannot help you unless we know what's really going on.
- Follow through with your case plan requirements, including drug testing when asked.

Stop and Reflect

- ❖ **What are some community outreach formats that are already utilized by the court system?**
 - ❖ **What are some social marketing strategies that come to mind for your programs?**
 - ❖ **Will any special permissions be needed to set up social media accounts?**
 - ❖ **What steps will be taken to begin outreach?**
 - ❖ **What are some ways that youth can be integrated into the process?**





The [Tribal Youth Resource Center](#) is led by the [Tribal Law and Policy Institute](#) in partnership with the [National Native Children's Trauma Center](#)



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