

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ORDER 10-11**

Cross-Agency Sharing of Juvenile Information

WHEREAS, the Superior Court through its Family Court Social Services Division (CSS) 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 adult offenders and defendants who are on probation, parole, supervised release, or pretrial release, and seek to assure community safety and compliance with conditions of supervision while also addressing the particular needs of those adult offenders and defendants; and

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

WHEREAS, CSS 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 has the authority to provide 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 to adult probationers, parolees, supervised releasees, juveniles on probation for traffic matters, and juvenile respondents in civil protection matters in the District of Columbia, and preparing a

comprehensive pre-sentence and post-sentence investigation report for offenders in order to assist criminal and corrections decision makers in understanding the treatment and supervision needs, risk potential and classification requirements of individual offenders, D.C. Code §24-133; and

WHEREAS, PSA is responsible for interviewing persons detained pursuant to law or charged as an adult with an offense in the District of Columbia, seeking independent verification of the information received during the interview, securing persons' prior criminal records, and preparing written reports for use by the appropriate judicial officer with a recommendation for detention or release, as well as providing supervision and 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 a person'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 and CSS lack express authority to share information relating to court-involved youth's placement and treatment; and

WHEREAS, the sharing of information among PSA, CSOSA, DYRS, and CSS and the court, the prosecution, and counsel for the youth relating to a court-involved youth's placement and treatment may be necessary to preserve public safety and/or the safety of the youth; and

WHEREAS, the sharing of information among PSA, CSOSA, DYRS and CSS and the court, the prosecution, and counsel for the youth relating to a court-involved youth's placement and treatment may be necessary to facilitate the youth's protection, welfare, treatment, and rehabilitation; 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 of the minor client and/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 and CSS 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 limited by law; and

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

NOW, THEREFORE, it is by the Court,

ORDERED that upon request, authorized personnel of PSA, CSOSA, DYRS and CSS 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, safety of the youth, or to facilitate the youth's treatment and rehabilitation; and it is further

ORDERED that PSA, CSOSA, DYRS and CSS 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 no person given access to records pursuant to this Order may disclose any such records to any person or use any such records for any purpose other than that permitted by this Order.

SO ORDERED.

BY THE COURT

Dated: August 13, 2010

/s/

Lee F. Satterfield
Chief Judge

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Magistrate Judges

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