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| <p>Department of Health & Human Services</p>  <p>N E B R A S K A</p> | <p>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</p> | |
| <p>Subject: Management Information System</p> | <p>Number: 104.3</p> | <p>Page Number: 1 of 10</p> |

PURPOSE

This policy is to establish a records management system that collects, manages and maintains data on juveniles committed to the Youth Rehabilitation and Treatment Centers (YRTC) located at Kearney and Geneva, Nebraska. Hard copy and electronic data gathered by the YRTCs provides administrators with information when making decisions, thereby forming the basis for management information systems. The Nebraska Health and Human Services 390 NAC 1-007 policy states, "...All information regarding individual children and families the Department of Health and Human Services serves is confidential." Therefore all YRTC juvenile records utilized for the management information system are confidential, and all procedures developed and implemented must uphold the juvenile's right to privacy.

GENERAL

According to NE Stat 43-406(6), The Office of Juvenile Services shall utilize; "A management information system. The information system shall be a unified, interdepartmental client information system which supports the management function as well as the service function

According to NE Stat 43-409, "The Office of Juvenile Services shall have access to and may obtain copies of all records pertaining to a juvenile committed to it or placed with it, including, but not limited to, school records, medical records, juvenile court records, probation records, test results, treatment records, and evaluation and examination reports. Any person who, in good faith, furnishes any records or information to the Office of Juvenile Services shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed. The owners, officers, directors, employees, or agents of such medical office, school, court, office, corporation, partnership, or other such entity shall not be liable for furnishing such records or information."

This Administrative Regulation deals with various aspects of the juvenile record-keeping system, including:

1. Written Records
2. Management Information System

PROCEDURE

I. WRITTEN RECORDS

- A. Confidentiality: YRTC files containing medical, psychological, psychiatric and social welfare history of juveniles, juvenile probation records, juvenile court proceedings and records compiled while the juvenile is committed to the Office of Juvenile Services shall be kept confidential. Confidentiality of information exceptions are noted under DHHS Policy Manual Confidentiality and Release of Information, 390 NAC 1007.01 through 1-

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007.14.

B. Individual Juvenile Record: The facility maintains a record on each juvenile, available in a master file. The contents are identified and separated according to an established format and include, at a minimum, the following information:

1. Demographic information (name, age, sex, place of birth, and race or nationality)
2. Initial intake information form
3. Authority to accept juvenile
4. Committing offense and disposition
5. Referral source
6. Case history/social history
7. Office of Juvenile Services evaluation including Youth Level Services Inventory (YLSI)
8. Medical consent forms
9. Name, relationship, address, and phone number of parent(s)/ guardian(s), and person(s) juvenile resides with at time of admission
10. Driver's license number, social security number, and Medicaid number, when applicable
11. Individual plan or program
12. Signed release-of-information forms, when required
13. Progress reports on program involvement
14. Significant Events, Decisions, Dates services were rendered
15. Program rules and disciplinary policy signed by juvenile
16. Grievance and disciplinary record, if applicable
17. Referrals to other agencies, and final discharge or transfer report.

C. Juvenile Case – Record Management: Juvenile case record management includes, at a minimum, the following:

1. Establishment, use, and content of case records

Each Facility Administrator designates staff members who are authorized to have access to files and may participate in the establishment and upkeep of case records. Facility Administrators must give authorization to other YRTC employees to access the written files if not normally authorized to do so. Student teachers and/or student interns may also be authorized access to files if approved

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by the Facility Administrator. The Facility Administrators on an annual basis will review procedures for the management of case records. Each YRTC shall develop a format for the establishment, identification, and separation of the contents of case records. Staff members authorized by the Facility Administrator to have access to case records will be familiar with the format and follow it accordingly.

2. Signed and dated entries in the case record

Staff members authorized to have access to and make entries into case records will note the date of each entry they make and will sign or initial the entry.

3. Maintenance, secure placement, and preservation of records to minimize the possibility of theft, loss, or unauthorized destruction of records

Hard copy case records will be marked “confidential” and kept in a secure area in locked files also marked “confidential.” When records are computerized provisions shall be made for the security of such records. The Facility Administrator shall institute procedures to protect the central records system from unauthorized access, theft, sabotage or any natural or man-made disaster.

4. Schedule for retiring or destroying inactive records

Juvenile files shall be maintained from the date of admission and until discharge from custody. Closed records are retained by the department permanently. A procedure for maintaining closed or inactive files shall be developed by the YRTCs. Inactive juvenile files shall be retained and/or microfilmed according to the YRTC record retention schedule.

5. Safeguards from unauthorized and improper disclosure

The contents of juvenile case history files are confidential and no information may be released to the public unless by court order. However, contents in the files that have been generated by the department may be shared with public schools, mental health agencies, and other contracted and/or governmental agencies having a legitimate interest in the file and on a *need to know* basis. Any requests for information must be accompanied by the appropriate signed consent forms. These agencies must also maintain the confidentiality of the information they receive. In the event there is confusion about releasing information, YRTC staff shall contact DHHS Legal Services staff for clarification. Information contained in YRTC files

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that is not department/YRTC generated may not be released.

Social Security Information is confidential and cannot be shared electronically or in writing with any person or entity external to Health and Human Services without a signed Social Security Access Agreement on file. In the event there is confusion about releasing Social Security information, YRTC staff shall contact DHHS Legal Services staff for clarification.

6. Security, which ensures confidentiality for any part of the information system that is computerized
7. A “release of information consent form” that complies with applicable federal and state regulations, a copy of which is maintained in the case record.

Employees, consultants, and contract personnel are informed in writing about the facility’s policies on confidentiality of information and agree in writing to abide by them.

- D. Access to Records by Independent Researchers: Independent researchers may not access individual records unless by court order. However, if independent researchers sign a “DHHS Research Statement of Agreement (see AR 103.1 Attachment B) they may access the files. Independent Researchers shall be familiar with DHHS Research and Major Information Requests Policy, AR 103.1, attachments and the corresponding YRTC OM concerning confidentiality of information in juvenile case history files and shall follow them accordingly.
- E. Sealed Records: When a court order is received to seal a specific juvenile record all materials contained in the case record shall be sealed and not be available to any person except upon order of the court for good cause shown. However, a sealed record shall be accessible to law enforcement officers, county attorneys, city attorneys, the sentencing judge in the prosecuting and sentencing of criminal defendants, and any attorney representing the subject of a sealed record. Inspections of the records may be done by the following persons:
 - The court or any person allowed to inspect by order of the court for good cause shown;
 - By the court, city attorney, or county attorney for the purposes of collection of any remaining parental support;
 - Probation;

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- Department of Correctional Services, Office of Juvenile Services, juvenile assessment center, a criminal detention center, or juvenile detention center for an individual committed or placed under their care.
- DHHS for purposes of child or youth intake services, preparation of case plans and reports, preparations of evaluations, the supervision and protection of persons placed with DHHS for licensing or certification purposes;
- The youth who is the subject of the sealed records;
- Party to a civil action based on the sealed records;
- Persons engaged in bona fide research, with permission of the court; and
- By a law enforcement agency if a person whose record has been sealed applies for employment with a law enforcement agency.

1) Sealing a record:

If a YRTC receives a court order that a juvenile record be sealed the YRTC shall send a copy of the order to the designated person in the Service Area for purposes of ensuring that the Service Area has been notified of the court order to seal a file. The Service Area upon that notice or an order of the court will seal the file and enter a "Sealed" on the N-focus system. When responding to requests for information YRTCs shall first verify whether a juvenile record is sealed or not by accessing the N-focus "Detail Legal Action" screen.

YRTCs shall put a copy of the youth's data base contents in the youth's case record prior to deletion from the management information system. With the exception of the following information, all other data will be deleted from the youth's database: number, status, institution, location, and admission date, date of birth, race and sex. This information is retained for statistical purposes and shall in no way identify the youth for which the file has been sealed.

2) Responding to requests for information:

When responding to requests for information YRTCs shall first verify whether a juvenile record is sealed or not by accessing the N-focus "Detail Legal Action" screen. If there is uncertainty as to whether information should be released YRTCs are to contact DHHS legal.

F. Transfer of Case File: An established process requires that an updated case file for any juvenile transferred from one DHHS facility to another DHHS facility is transferred

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simultaneously or at least within 72 hours.

II. MANAGEMENT INFORMATION SYSTEMS

- A. Information-Gathering Criteria: Management information systems provide fiscal and statistical information of use to administrators when making management decisions. Using departmental policy, goals, and objectives as a guide, each Facility Administrator shall identify their information needs. This includes specific criteria for evaluating overall YRTC performance and shall include specific descriptive terms used to classify juveniles or to separate them by typologies. Consequently, the YRTC shall establish procedures governing collecting, recording, organizing, processing and reporting data developed for management information purposes.
- B. Information Storage Retrieval and Review: The facility contributes to, has access to, and uses an organized system of information storage, retrieval, and review. The information system is part of an overall research and decision-making process relating to both juvenile and operational needs. Each Facility Administrator is responsible for ensuring that computerized information is entered in a timely and consistent manner.
- C. Information System Evaluation: The effectiveness of the information system as it relates to overall facility management shall be evaluated in writing annually with regard to the relevance and practicality of the information gathering system.
- D. Security and Verification: Data entered into the management information system shall be verified prior to entering it into the system. The security of the information shall at all times be maintained in accordance with Section I of this administrative regulation.
- E. Collaboration: The facility or parent agency shall collaborate with juvenile justice and service agencies in information gathering, exchange and standardization.

III. PREA INFORMATION SYSTEM

- A. Data collection:
 - (1) The YRTCs shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
 - (2) The YRTCs shall aggregate the incident-based sexual abuse data at least annually.

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(3) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

(4) The YRTCs shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

(5) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents.

(f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

B. Data review for corrective action:

(1) The YRTC and agency shall review data collected and aggregated pursuant to “Data collection” in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:

(a) Identifying problem areas;

(b) Taking corrective action on an ongoing basis; and

(c) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.

(2) Such report shall include a comparison of the current year’s data and corrective actions with those from prior years and shall provide an assessment of the YRTC/agency’s progress in addressing sexual abuse.

(3) The YRTC/agency’s report shall be approved by the YRTC Facility Administrator, OJS Deputy Director and agency head and made readily available to the public through its website or, if it does not have one, through other means.

(4) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

C. Data storage, publication, and destruction:

(1) The YRTC shall ensure that data collected pursuant to “Data collection” are securely retained.

(2) The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.

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(3) Before making aggregated sexual abuse data publicly available, the YRTC/agency shall remove all personal identifiers.

(4) The YRTC/agency shall maintain sexual abuse data collected pursuant to "Data collection" for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise.

REFERENCE:

- I. Neb. Rev. State. < 43-2,105 (Reissue 1988); < 43-2,108 (Reissue 1988); State Statute 43-406 and 43-409
- II. ACA Standards
4-JCF-6F-01 4-JCF-6F-02 4-JCF-6F-03 4-JCF-6F-04 4-JCF-6F-05 4-JCF-6F-07
- III. PREA Standards
115.387 115.388 115.389

APPROVED:



**Tony Green, Deputy Director
Office of Juvenile Services**

- EFFECTIVE: January 1, 1997
- REVISED: September 1, 1999
- REVISED: September 29, 2000
- REVISED: August 31, 2001
- REVISED: August 31, 2002
- REVISED: May 31, 2004
- REVISED: May 31, 2005
- REVISED: July 31, 2007
- REVIEWED: March 31, 2009
- REVISED: December 15, 2010
- REVISED: July 1, 2011
- REVISED: January 15, 2013
- REVISED: January 1, 2014

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SUMMARY OF REVISION

August 31, 2002

- Page 4 H – changed to specifically show transfers are from “DDHHS” facilities to “DDHHS” facilities for the transfer of information. The word information is substituted for case file.
- Policy reviewed by YRTC Facility Administrators

May 31, 2004

- Signature change for approval of policy
- Policy reviewed by YRTC Facility Administrators

May 31, 2005

- Signature change for approval of policy
- Under “Purpose” – the word electronic added
- Page 3 E “ Access to records...” – Language changed to show researchers signing the DHHS agreement form to confidentiality.
- Page 3 F “Preservation and Retirement” - sentence changed indicating files are to be maintained permanently.
- Policy reviewed by Sherri Haber
- Policy reviewed by DHHS Legal

July 31, 2007

- Logo/Header changed
- Pg. 1 – Under “General” – correct abbreviation for the word Statute inserted.
- Pg. 2, IB “File Contents” – The words “Risk and Needs Assessment and Classification” were removed and “Youth Level Services Inventory” was inserted.
- Pg. 3E “Dissemination” – second paragraph added stressing the confidentiality of social security information – per Sherri Haber review.
- Signature change for the Juvenile Services Administrator to approve.
- New signature for Juvenile Services Administrator

March 21, 2009

- Policy reviewed and approved by both YRTC Facility Administrators

December 15, 2010

- General – Last sentence in first paragraph transferred to 2nd paragraph.
- General – Nebraska Statute 43-409 was fully stated as outlined in Nebraska Revised Statutes 2009 Edition

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- Policy rewritten to include 4th edition standards beginning with Procedure 1B and remainder of document re-lettered. Read Carefully.

July 1, 2011

- Pg 4 E continued on Pg 5 – Inserted language pertaining to sealed records as passed in legislation under LB 463. Describes YRTC responsibilities with court ordered sealed records.

January 15, 2013

- Policy Section Administrator signature removed from policy

January 1, 2014

- **Procedure III, pg.6, added to include PREA standards concerning data collection, data review, data storage, publication, and destruction.**