

MINUTES  
**Juvenile Justice Mental Health Task Force**  
**July 17, 2015**  
**2:00 p.m. – 4:00 p.m.**  
**Oregon Judicial Department – Juvenile & Family Court Programs Division**  
**1133 Chemeketa Street NE, Salem, OR. 97301**

**MEMBERS PRESENT:** Mary Kane, Cherryl Ramirez, and Lois Day. On the telephone: Hon. Nan Waller, Hon. Lisa Greif, Dr. Mark Bradshaw, Kim Scott, Ajit Jetmalani, and Andrew Grover

**MEMBERS ABSENT:**

**GUESTS:** Brook Rizor, Paula Bauer

**STAFF:** Megan Hassen and Angela Keffer

Megan Hassen called the meeting to order at 2:00 p.m. Attendees introduced themselves.

**DISCUSSION TOPICS:**

**I. REVIEW AND APPROVAL OF MAY MEETING MINUTES:** Minutes from May 15, 2015, were approved without corrections.

**II. CORE VALUES AND PRINCIPLES:** Megan stated there were a few modifications to the Core Values and Principles after receiving feed-back from constituents. Those modifications were sent to task force members prior to today’s meeting for their preview. Several of the proposed modifications were noted to have come from Jackson County Court and the Juvenile Director’s Association.

A proposed addition to number two, point two, adding “...which makes necessary accommodations for the youth’s level of cognitive functioning.” was added without opposition. A proposed addition to number three, point one, adding “...at the earliest point of contact.” was added without opposition. A proposed modification to number four, point 1, changing “...its own culture.” to read “...their culture.” was made without opposition.

A proposed addition to number four, point four, adding “...with weight given to family who are currently involved in the youth’s life and development.” called for further discussion. Mary Kane asked whether this scenario would involve a non-custodial parent; Megan affirmed. Paula Bauer stated that this addition would restrict the proposed definition of family. The proposed addition was opposed and stricken.

A proposed addition to number four, point 6, adding "...and updated regularly to capture shifts in youth presentation and development while in care." was made without opposition.

A comment on number four, point 8, stating that the principle is not useful due to the amount of youth that "require significant neural-remapping so as to be able to experience relationships with others" was considered by task force members. Mary stated that the principle as read seems to acknowledge and individualize each youth's need for attachment. Ajit Jetmalani agreed, stating that many youth struggle with forward movement while in care due to the uncertainty of reunification with prior attachments. Task force members agreed to leave the current language as is.

Paula Bauer's proposed definition of family is the language used by the Children's System Advisory Committee (CSAC), an advisory group for children's mental health. The language was adopted to be as inclusive as possible, including individuals that the youth identifies as important to them. Paula believes adopting this definition of family would be a step towards creating a uniform definition of family for the State.

Lois expressed concern that the proposed definition is too broad, stating that Child Welfare would not adopt such a broad definition. She further explained that there are different definitions for kith, kin, how tribes define family, etc. Lois also agreed with the comment noted, stating that the definition is too broad and includes those with toxic relationships as well. Paula stated that those individuals identified by youth as family, but who have a negative impact on the youth, would not be invited to planning meetings for the youth. Paula further stated that she would like to have future discussions on defining family so as to reach a uniform definition, but believes that the broader the definition, the better odds people will be available to that youth.

Brook Rizer supported Paula's expansion of the definition of family, stating that they are looking for the connection from a youth to find healthy attachments, which may include past connections. Lois would like to see the definition narrowed to healthy/positive relationships, rather than anyone the youth identifies. Lois further stated that the Core Values and Principles call for "Family" to be intentionally elicited; however, the definition of family does not differentiate between the positive and negative supports.

Paula and Brook gave an example of a youth whose father is incarcerated and seemingly unlikely a positive resource, was actually the youth's more positive influence amongst other local supports. Paula acknowledged the importance of including positive supports. Mary asked whether a biological parent who's not a positive influence would be excluded from planning. Lois informed members that there is a difference in those who have a right to involvement and those invited for their involvement; hence, the reason for the different definitions of relatives, kith, culturally identified resources, and anyone identified by the youth.

Paula suggested that the group not define family, rather identify components of acceptable individuals. Megan suggested keeping the definition of family as is and adding language excluding negative influences without right under number four, point four.

Paula expressed concern that parents, whether a negative or positive influence, may have to be involved at some point to prepare for reunification, although not necessarily involved in case-planning, because not doing so would make the youth's treatment futile. Lois stated that it would be worthwhile to look at the timing issue of who, when, why, and how resources are involved.

**Action Item:** Megan will put together draft language surrounding the definition of family and provide that to task force members at the September meeting.

Judge Waller commented, whether a parent or other support, there has to be parameters set surrounding the best interest of the youth. Megan asked for any further comments from task force members on the Values and Principles. Dr. Bradshaw emphasized the importance of defining "family" in a strong and streamlined way due to the system sort of marginalizing family or potential supports, rather than really going the distance to find and include the healthy supports. Judge Waller agreed; however, she stated that "family voice and involvement" must be included.

### **III. DATA COLLECTION:**

**A. Proposed Survey to Juvenile Department Directors:** Megan stated that the Incarceration subcommittee has focused their discussions on psychotropic medication management. In June, the subcommittee discussed what rules for juvenile departments should be in place to assist with determining what youth are already taking psychotropic medication and how those medications are managed upon entering custody.

Due to the lack of knowledge of the juvenile departments' current practices, the subcommittee suggested a survey be conducted to obtain that information. Megan drafted a survey based on both subcommittees' feedback as well as including additional questions relevant to previous task force discussions. The revised draft was sent to task force members in advance of today's meeting for their review.

Megan would like task force members' feedback on the survey today, so that the survey may be sent to each county's juvenile department for their feedback prior to the next meeting date.

Judge Waller stated the survey was well done. Mary stated that the survey was very comprehensive yet not too overwhelming. Megan asked for input no later than Monday so as to allow for inclusion in the online survey.

#### **IV. CRISIS PLACEMENTS AND “HARD-TO-PLACE” YOUTH:**

Recommendations and background information on the Statewide Multi-disciplinary Assistance Committee (SMAC) was sent to task force members for their review. Megan stated that it addresses an issue that, just prior to the creation of the task force, was at the forefront for OJD, wherein there were a number of youth with mental health issues that were in detention, even if not the best placement for them, due to there being no suitable placements available. The issue is part of the task force’s continued discussion regarding crisis placement and hard-to-place youth.

Paula Bauer, SMAC Chair, helped develop the proposal submitted to the task force. Paula stated SMAC wanted to express their appreciation for the opportunity to share their opinions with the task force. She further stated that SMAC consists of members who come together every month to look for better ways to assist this group of youth and even with limited resources, they work hard on the cases that do come before the committee.

Paula stated that she listened to discussions within SMAC, picking up on key issues and writing them down. Upon distribution of this information, the committee worked on clarifying the key issues which are refined in their recommendations. Paula noted that while SMAC focuses on aligning juvenile justice and mental health, their primary focus has been on youth with behavioral health issues. She recognized that organizations need to take a hard look at the individual services as well as the entire system, and that the current system isn’t shaped for the needs of the youth being served.

Paula stated that SMAC is increasingly seeing cases on more aggressive, low functioning youth, who may or may not have suffered trauma, being directed into different directions due to systems’ eligibility criteria, and ultimately placed in OYA due to lack of appropriate alternatives. SMAC assesses where the holes are in assisting the youth with appropriate services, recommending a systematic look at services and availability to find the disconnect. Paula also stated that the system needs to recognize that some of the youth being served, have a multi-generational deteriorating knowledge on normalcy, and services collectively need to catch up to learn how to serve this group of youth.

Paula stated that SMAC will be taking a comprehensive look at what is required by federal and state law surrounding funding, operations, etc., and also determine what is regulated by the individual agencies to determine what is causing the system to be compartmentalized, and whether changes can be made throughout the system with today’s youth in mind.

Also included in the handout from SMAC, is information on the Collaborative Program, which is based on the population currently reviewed by SMAC, that outlines what SMAC believes is necessary to occur to bring this population of youth from unserviceable to independence. Paula stated although this particular program is designed for the older youth that are typically low functioning, aggressive, sex-offenders, SMAC is aware that there is also a younger group of youth that meet the same criteria which also need assistance.

Megan asked Ajit Jetmalani, whether he noticed an overlap in the profile of youth with those frequently misplaced in hospital psychiatric wards. Ajit affirmed there is an overlap with those youth that are sexually reactive or aggressive, but that don't need acute care where they are confined or limited access to the outside world but may be unsafe if not well supervised. Ajit stated he is unaware of the volume of youth that meet this criteria throughout the state. Kim Scott added, they also have those youth that fit the profile; however, they also have those youth who suffer from severe mental health issues with added legal issues. Kim stated they are seeing more JPRSB youth who end up staying in treatment regardless of progression or erosion of treatment, due to not having a safe place to return to in the community.

Ajit understood from SMAC's information, when dealing with Medicaid authorized services, there are level of care criteria; however, when criteria is interpreted by individual CCOs, the youth that may be unsafe in the community or other services, do not always meet the criteria for a more secure setting. Ajit asked for clarification from Paula regarding whether SMAC is suggesting a different set of eligibility criteria be made for these youth to obtain services.

Paula stated there are several gaps in the system; for which bullet points 1 & 2 on page 1, are temporary fixes. She further stated that Oregon does not have a safe place for youth to go when they do not quite need hospital level care. Therefore, collectively the state needs to find those services. When there are youth that are aggressive but that do not meet the eligibility criteria, as a system, we should not be consumed with how to pay for the necessary services, rather how to treat the youth. She stated there needs to be a better system.

Paula stated that SMAC only sees the worst cases. She acknowledged that there are innovative changes being made throughout the different systems (i.e., trauma informed care, etc.) which will be great for today's younger youth. However, there needs to be collaboration so there are necessary services for those youth that don't benefit from wraparound.

Judge Waller stated there is also a population of youth that are unable to aid and assist, as well as fit the aforementioned criteria. Judge Waller gave an example of a young man in the state hospital because he is unable to aid and assist; however, even though he will remain unable to aid and assist, there is nowhere for this young man to be released to due to the treat until fit requirements.

Megan asked Lois whether DHS has any current placement issues. Lois informed task force members that Albertina Kerr is closing due to there not being enough foster parents to supervise the amount of permitted beds within the program. The under-fill has a financial impact on the program which is forcing its closure. Megan pointed out that OHA is currently doing service-mapping, but asked what other youth groups are at issue.

Lois stated there are many youth, some with medical needs (i.e., diabetics), oppositional youth with violent outbursts, those that have been in multiple BRS systems, and those with psychiatric issues, which are all hard to place.

Lois also informed the task force that OYA, OHA, and DHS have formed a BRS workgroup which is currently looking into the BRS systems to see if any enhancements are needed. Megan asked whether the BRS workgroup will be making recommendations if necessary, for expanded services. Lois anticipates any recommendations to be made no later than September and inclusion in the 2017-2019 biennium legislative session.

Megan inquired into SMAC's proposal of a state-run, residential facility, for these hard-to-place youth, with blended or special funding. Paula affirmed that SMAC would like to run the program to ensure that the program is open to youth regardless of what agency they are placed with. However, youth will not be referred to the state program until after the local planning committees have done the work in sorting out what is already available, what is needed, and whether any internal changes can be made.

Judge Waller asked whether SMAC has discussed the legal vehicle for this population to obtain this service. Paula stated that the committee would be looking to the legal community for the expertise and the necessary requirements. Mary asked what youth serving agency SMAC is predominantly assisting at present. Paula stated that youth involved with SMAC are mostly DHS involved. Judge Waller stated that DHS custody ends at age 21; however, there is a population of youth that exceeds that age and costing the state a tremendous amount when entering the DOC; however, there are no alternative placements and Civil Commitments are not feasible. Mary stated that Youth, Rights & Justice has faced opposition from the AG, when wanting to find adult guardians for low-functioning young adults when aging out of DHS's custody.

Judge Waller called for consideration of a legal vehicle when making recommendations, so as to allow for such innovative programs (i.e. SMAC) to be an option. Lois asked if the youth started inclusion in such a program at the age of 17 as opposed to 20, would make any difference in requiring such a legal vehicle for commitment. Judge Waller stated there are many factors to consider when initializing any new commitment. Paula suggested at looking at models of guardianships or social security benefits, which may help determine a legal vehicle less stringent than a civil commitment.

Dr. Bradshaw stated that he believes it is a good idea to look at a placement funded by multiple agencies, but feels there needs to be an avenue for immediate placement to accommodate the needs of those youth that need immediate treatment, whether drug and alcohol, mental health, etc. Paula acknowledged that there will need to be extensive research as to what is actually needed throughout the different services, what legalities are involved, and how to bring about the desired result in providing a collaborative program for placement for these youth.

Mary stated she would like to see the collaborative programs extended to BRS placements, in that opening up the criteria to fit the youth and not the programs themselves, may be more prudent. She further stated that due to the scarcity of beds, programs are more selective of whom they will take.

Cherryl Ramirez asked what the percentage is of DD youth involved in SMAC. Paula responded that approximately 80 percent of youth involved with SMAC are DD youth or youth within a few points of qualifying for DD services.

Paula shared that Rebecca Smallwood, DD Services, visited SMAC to provide insight on the application process for DD Services. Paula further stated that information gathered from her field offices, revealed that all DD Services applications are currently being denied, with only 50 percent being granted on the first appeal. Paula stated that approvals are even harder to receive when the application comes from an adaptive facility. Frequently, it is during this waiting period when the youth start getting into trouble ending up with involvement with the juvenile department.

Cherryl stated that although DD Services' eligibility criteria remains the same, she would like to do further research to find out what different programs are opening up which may afford different eligibility criteria for the different sub-sets of youth it intends to serve. Paula stated that resources are limited and peer-support personnel are needed from all agencies.

Dr. Bradshaw informed task force members that research surrounding Autism Spectrum Disorder has currently revealed a multi-disciplinary planning team that works with the youth to develop treatment and allocates payment to the predominate service provider. He has heard this system seems to work well in this particular county.

Megan asked whether there was any available funding through the IV-E waiver. Lois stated that blended-funding isn't precluded; however, when mixing populations, there are numerous factors to consider when allocating funding.

Lois stated that the requirement that the child's next destination be known, may be a hurdle when so many of the youths' placements are not known. Paula stated that this stipulation was included in the program's criteria due to the intended temporary nature of the program.

Paula stated that her vision for the program includes different phases of living and assistance to let the youth progress towards independence. Ajit stated that he loves the idea of different levels of opportunity for youth within the program. He also suggested having a multi-disciplinary team that knows what is available in the community, pulling together to make the treatment plans for these youth.

Judge Waller agreed that there is a gap in treatment or placement that needs to be addressed; however, due to the nature of needed research, policy analysis, and potential legislative involvement to formalize such an ongoing effort, more consideration will need to be made before inclusion in the task force's recommendations. Megan asked if anyone opposed endorsing SMAC's Collaborative Program in theory. Mary stated she would like to see some specifics incorporated into SMAC's plan.

Megan asked whether the BRS Workgroup is working on any aspects that may be helpful in planning. Lois stated that the BRS Workgroup, consisting of DMAP, OYA, OHA, and BRS Providers may be helpful and suggests further conversations between SMAC and the BRS Workgroup. Paula expressed concern regarding incorporating child-serving agencies that don't have any obligation for providing placement to youth, into the work. She expressed further concern that inclusion of the different agencies may bring about outcomes that are self-serving to the individual agencies and not to the youth. Lois stated this is a valid concern; however, in coming together, there needs to be a blending of resources, etc. to accomplish such a transformation.

**Action Item:** Lois will provide Paula with BRS Workgroup members' names that Paula can take back to SMAC for discussion, then follow-up with Megan.

#### **V. INFORMATION SHARING BETWEEN SERVICE PROVIDERS/SYSTEMS:**

Megan stated that SB 670 died in committee so there is no resolution regarding information sharing. SB 760 was the bill that would have required DOJ to train all state agencies and many community organizations on confidentiality rules. There was a significant fiscal impact which was a suspected barrier in the passing of the bill. The bill would have also required DHS to work with agencies to develop a uniform consent form.

Megan stated that in the absence of the bill passing, it was discussed at the last meeting that guidelines would be helpful to establish who information should be shared between, what information is available to be shared, and what that information would be used for. Amy Baker realized that a workgroup she was included in that was previously addressing this issue did not have a plan developed to the point she previously thought.

Megan distributed samples of information sharing agreements which she located, for the task force's further consideration. One was for DHS and the Juvenile Department in Marion County for cross-over youth that go back and forth between their systems, which allows for information sharing and possibly joint case-planning. There is also a sample of a release form youth are required to sign when entering the system.

Megan also provided information on an Arizona information-sharing initiative, which she believes coupled with a Uniform Consent Form, would help pave the way for Oregon to achieve information-sharing throughout the state.

Mary asked whether the Marion County inter-governmental agreement was still in effect. Megan was unsure but it is believed to still be in effect. Mary expressed concern as to whom would receive information and as to whom was deciding what could be shared.

Megan stated that even in developing a statewide guide on information sharing for Oregon, would require a lot of research and expertise. Judge Waller stated that she would speak with

members of the group that went to Georgetown, who may need a capstone project, wherein this guide may be the perfect project for them.

Ajit also suggested consideration of what personalized information is good to know when dealing with youth as they move throughout the different systems (i.e., traumas, self-soothing mechanisms, etc.). He further stated that there is a core amount of material that will answer the questions as to what's occurred with that youth and what hasn't, that may be useful as well. Megan agreed, stating that there would need to be a committee or collaborative process which addresses all of the concerns from the different agencies. Paula stated that she will provide Megan with a form or list that may include some items to be shared, to use as a starting point. Judge Waller stated that Arizona incorporated a lot of information from King Counties' information sharing agreement and thought it useful to obtain that as well.

Judge Waller stated that this is not a project that will be completed by the end of the year; however, a recommendation should be made for continuing work on this project.

Upon being asked for further suggestions related to any of today's topics, Paula suggested advising juvenile directors the purpose of the Juvenile Justice Mental Health Task Force and the similarities in past surveys.

Lois suggested making a recommendation for Legislature to fund a limited duration position to allow an individual to produce an information sharing agreement, which will be discussed further at the next meeting.

**VI. MEETING ADJOURNS:** Meeting adjourned at 3:55 p.m.

Prepared by: Angela Keffer