

Youth, Rights & Justice

ATTORNEYS AT LAW

To: Senate Committee on Human Services, 2017 Oregon Legislative Assembly

From: Mary Kane, Staff Attorney

Date: February 8, 2017

RE: **Support for SB 397**

Chair Gelser and Members of the Committee:

My name is Mary Kane, and I am a staff attorney at Youth, Rights & Justice. I was appointed to the Oregon State Court Juvenile Justice Mental Health Taskforce by the Chief Justice in 2014. The group concluded its work one year ago with a final report in January 2016:

<http://www.courts.oregon.gov/OJD/docs/OSCA/JFCPD/Juvenile/JJMHTF/Finalized.Report.1.pdf>

One of the recommendations included the development of a 'legal framework for information sharing between governmental agencies and service providers to allow for effective coordination of efforts between schools, law enforcement, service providers, child welfare, juvenile departments and the courts.'

Clearly, it is important and effective for the multiple systems which serve youth with significant mental health needs to share information, but it is equally important to protect the privacy and other rights of individual youth, as well. This includes protections for the confidentiality of sensitive records, including mental health and substance abuse screenings and assessments, psychological evaluations and other records.

Children and youth are served by multiple systems that can include education, mental health, developmental disabilities, child welfare, juvenile justice and others. Collaboration and coordination among government agencies and community providers is ideal, but it should not come at the price of a loss of privacy and control over information that is sensitive and potentially stigmatizing or incriminating.

In our practice representing children and youth in the child welfare and juvenile justice systems, we routinely find different standards and practices of record keeping, record sharing and confidentiality from one system to the next. Further, practices for following these policies can vary from system to system and entity to entity.

Youth, Rights & Justice supports SB 397 because it is necessary for public agencies and systems, as well as the community-based organizations that often serve youth and their families directly, to develop policies and practices on the sharing of sensitive health-related information that is clear and more consistent. Policies need to be crafted in such a way as to properly balance the need for collaboration and coordination with the important individual rights to privacy and confidentiality.

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