

# JUVENILE JUSTICE 21



## TOOLKIT

Mental Health and Collaboration

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**Mental Health and Delinquency Toolkit****CONTENTS**

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## **COLLABORATION**

“In order to appropriately and effectively provide services to youth with mental health needs, the juvenile justice and mental health systems should collaborate in all areas, and at all critical intervention points.” [Blueprint for Change](#).<sup>1</sup> (For an overview of systems collaboration, case study, and recommendations, see, pages 15-23.)

### **Minnesota DHS Information on Mental Health Collaboratives**

Through the above link you will find Minnesota DHS Information on Children’s Mental Health Collaboratives, established by the 1993 Minnesota Legislature in recognition that children with severe emotional disturbances or who are at risk of such disturbances often require services from multiple service systems. “Children's mental health collaboratives are entities in which counties, school districts, local mental health entities and juvenile corrections are mandatory partners that come to an agreement with parents, public health and other community-based organizations to provide integrated and coordinated services, pool resources and design services.”

### **Minnesota Statutes Related to Collaboration**

#### **COORDINATION OF CHILDREN'S MENTAL HEALTH SYSTEM – M.S. 245.4873**

Coordination of the development and delivery of mental health services for children shall occur on the state and local levels to assure the availability of services to meet the mental health needs of children in a cost-effective manner.

#### **CASE MANAGEMENT AND FAMILY COMMUNITY SUPPORT SERVICES – M.S. 245.4881**

The county board shall provide case management services for each child with severe emotional disturbance who is a resident of the county and the child's family who request or consent to the services.

#### **LOCAL CHILDREN'S MENTAL HEALTH COLLABORATIVE REQUIREMENTS AND DUTIES – M.S. 245.493**

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<sup>1</sup> The Blueprint for Change is a **comprehensive model for the identification and treatment of youth with mental health needs in contact with the juvenile justice system developed by the** National Center for Mental Health and Juvenile Justice. It will be cited throughout this toolkit.

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### [National Resources on Dual Status Youth](#)

Through the above link you will find a Juvenile Justice Information Exchange listing of general resources providing a wealth of information on many aspects youth involved in both the child welfare and juvenile justice systems.

### **Minnesota Model Crossover Youth Programs**

See the Minnesota Juvenile Justice Advisory Committee's 2016 Annual Report, located on the MCA JJ21 web page [here](#).

### **Promising Policy:**

California has a unique statutory structure related to the handling of dual system youth. Under California's Welfare and Institutions Code, Section 241.1, juveniles that appear to be both dependent and delinquent must be investigated by both the child protective services department and probation department and an assessment provided the court to determine which status (dependent or delinquent) will best serve the interest of the minor and the protection of the community. The court conducts a joint assessment hearing, called a 241.1 hearing, to make this determination. In 2004, the California Legislature passed Assembly Bill 129 to provide local jurisdictions some flexibility in how to handle dual-status youth. Assembly Bill 129 allows counties to develop local dual-jurisdiction protocols allowing youth to be designated as both a dependent child and a ward of the juvenile court. As of February 2013, there were 15 counties in California that had adopted local protocols to meet the needs of dual-status youth.<sup>2</sup>

## **IDENTIFICATION**

"The mental health needs of youth should be systematically identified at all critical stages of juvenile justice processing." [Blueprint for Change](#). (For an overview of identification and recommendations, see, pages 24-30.)

**Note:** The term "identification" is used to include both mental health screening and mental health assessment. According to the National Center for Biotechnology Information, screening is a process for evaluating the possible presence of a particular problem. Assessment is a process for defining the nature of that problem, determining a diagnosis, and developing specific treatment recommendations for addressing the problem or diagnosis.

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<sup>2</sup> From the National Center for Juvenile Justice's report, "[When Systems Collaborate: How Three Jurisdictions Improved Their Handling of Dual-Status Cases](#)," provides case studies of three jurisdictions that provide promising examples of ways to coordinate information and services for dual status youth.

## **Minnesota Statutes<sup>3</sup>**

### **INVESTIGATION; PHYSICAL AND MENTAL EXAMINATION – M.S. 260B.157** (Delinquency)

The court shall order a chemical use assessment conducted when a child is (1) found to be delinquent for violating a provision of chapter 152, or for committing a felony-level violation of a provision of chapter 609 if the probation officer determines that alcohol or drug use was a contributing factor in the commission of the offense, or (2) alleged to be delinquent for violating a provision of chapter 152, if the child is being held in custody under a detention order.

The court shall order a children's mental health screening conducted when a child is found to be delinquent.

The court may proceed under the above two provisions only after a petition has been filed and, in delinquency cases, after the child has appeared before the court or a court appointed referee and has been informed of the allegations contained in the petition. However, when the child denies being delinquent before the court or court-appointed referee, the investigation or examination shall not be conducted before a hearing has been held as provided in section [260B.163](#).

The local social services agency shall establish a juvenile treatment screening team to conduct screenings and prepare case plans.

### **Duties of County Board – M. S. 245.4874** (Department of Human Services)

Mental health screening is required for children adjudicated delinquent or who have committed a juvenile petty offense for the third or subsequent time, unless a screening or diagnostic assessment has been performed within the previous 180 days, or the child is currently under the care of a mental health professional. The court or county agency must obtain written informed consent from the parent or legal guardian before a screening is conducted unless the court, notwithstanding the parent's failure to consent, determines that the screening is in the child's best interest.

The screening shall be conducted with a screening instrument approved by the commissioner of human services according to criteria that are updated and issued annually to ensure that approved screening instruments are valid and useful for child welfare and juvenile justice populations. (Approved screening tools can be found [here](#). Currently approved screenings are the MAYSI-2 and the POSIT.)

Screenings shall be conducted by a mental health practitioner or a probation officer or local social services agency staff person who is trained in the use of the screening instrument. Training in the use of the instrument shall include: (1) training in the administration of the instrument; (2) the interpretation of its validity given the child's current circumstances; (3) the state and federal data

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<sup>3</sup> Information provided under relevant statutes is has been selected and in some cases edited for the purpose of summarizing the main points of the statutes, and may not be current. Do not rely upon this information without consulting the current statutes in their entirety.

practices laws and confidentiality standards; (4) the parental consent requirement; and (5) providing respect for families and cultural values.

### **[MN DHS Information on Children's Mental Health Screening](#)**

The above link provides information on children's mental health screening in Minnesota, including approved screening tools, information specific to the juvenile justice system, and links to online screening training.

### **National Information**

[Mental Health Screening within Juvenile Justice: The Next Frontier. National Center for Mental Health and Juvenile Justice \(2007\).](#)

This paper discusses issues surrounding the mental health screening of juvenile offenders such as screening procedures, policies and implementation. Chapters of this report include: "Procedures and Policies: Good Practice and Appropriate Uses of Screening Results" by Valerie Williams; and "Implementing mental Health Screening" by Thomas Grisso — ten steps. Appendixes include: resources for identifying and reviewing mental health screening tools; Pennsylvania guidelines for introducing the MAYSI-2 (Massachusetts Youth Screening Instrument - Second Version) to youth; and Texas MAYSI-2 Protocol.

### **Mental Health Screening and Assessment in Juvenile Justice**

For a full treatment of juvenile justice screening in book form, see: Mental Health Screening and Assessment in Juvenile Justice, Grisso, Vincent, Seagrave Editors, The Guilford Press, 2005. Available in Google Books at: <http://tinyurl.com/jxnxdwk>

## **DIVERSION**

"There is no good evidence that placement in juvenile justice settings is rehabilitative, and research has demonstrated that in fact it can make youth worse (Gatti, Tremblay, & Vitaro, 2009; Lipsey, 2009). Indeed, the deeper youth penetrate the juvenile justice system, the more time they spend with more deviant peers, making them more likely to offend as an adult and less likely to be rehabilitated (Gatti et al., 2009). Youth identified as low risk should be seen as eligible for diversion or should receive minimal levels of intervention whenever possible."<sup>4</sup>

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<sup>4</sup> Screening and Assessment in Juvenile Justice Systems: Identifying Mental Health Needs and Risk of Reoffending

Vincent, G. M. (2011). Screening and Assessment in Juvenile Justice Systems: Identifying Mental Health Needs and Risk of Reoffending. Washington, DC: Technical Assistance Partnership for Child and Family Mental Health. Available at: [http://www.tapartnership.org/docs/jjResource\\_screeningAssessment.pdf](http://www.tapartnership.org/docs/jjResource_screeningAssessment.pdf)

“Whenever possible, youth with identified mental health needs should be diverted into effective community-based treatment.” [Blueprint for Change](#). (For an overview of diversion and recommendations, see, pages 31-36.)

### **Statute - [Pretrial Diversion Programs for Juveniles – M.S. 388.24](#)**

This statute requires counties to have a pre-trial diversion program in place for juveniles who qualify under the statute.

### **[Minnesota Juvenile Diversion Report](#)**

This 2012 report by the Minnesota Department of Public Safety Office of Justice Programs summarizes juvenile diversion practices and programming throughout the State.

### **[The Minnesota Model of School-Based Diversion for Students with Co-Occurring Disorders](#)**

Information on the school-based diversion model that has received funding for 6 pilot sites beginning in 2017.

### **National Resources**

#### [National Center for Juvenile Justice and Mental Health Resources on Diversion](#)

American Medical Association Journal of Ethics, 2013: [Court Diversion for Juveniles with Mental Health Disorders](#)

## **TREATMENT**

“Youth with mental health needs in the juvenile justice system should have access to effective treatment to meet their needs.” [Blueprint for Change](#) (For an overview of treatment and recommended actions, see, pages 37-44.)

### **[Children's Mental Health Programs and Services](#)**

Minnesota DHS listing of programs and services including contact information for certified community providers.

#### [Children's Mental Health law and Rules](#)

This Minnesota Department of Human Services website page provides a list of many statutes, laws, and rules governing services to children and youth with mental health needs.

## **TRAINING**

[National Alliance on Mental Illness MN Classes, including Youth Mental Health First Aid](#)

[Youth Intervention Programs Association \(YIPA\) Trainings](#)

YIPA offers many online and in-person trainings for professionals working with youth including the MyYouthPro professional development framework of eight competency focus areas. Trainings are free for YIPA members.

**[MN DHS Training - Children's Mental Health Screening for Child Welfare and Juvenile Justice](#)**

[The National Child Traumatic Stress Network Training Resources](#)

[National Alliance on Mental Illness \(National\) Crisis Intervention Training for Youth](#)

[Models for Change Information on CIT for Youth Training](#)

## **CULTURAL COMPETENCY**

**[Children's Mental Health Cultural Competency](#)**

Information from Minnesota DHS on cultural competency in children's mental health.

[Racial and ethnic disparities in children's mental health](#), October 2006, Wilder Research.

## **SUICIDE**

[Training Curriculum and Program Guide on Suicide Detection and Prevention in Juvenile Detention/Correctional Facilities and Residential Programs](#)

<http://www.suicide.org/hotlines/minnesota-suicide-hotlines.html>

## **DATA COLLECTION AND SHARING**

[The Models for Change Information Sharing Tool Kit](#)

This “tool kit”, a joint product of Juvenile Law Center and the RFK National Resource Center for Juvenile Justice, is designed to assist jurisdictions in implementing information and data sharing initiatives in support of juvenile justice reform initiatives.



[Other resources](#) developed by the RFK National Resource Center:

**Information Sharing in Youth and Family Serving Systems: An Attorney's Guide, 2016**

This interactive online course explores information sharing law, policy, and practice and is designed specifically for attorneys (juvenile defenders, minor's attorneys, prosecutors, agency legal counsel) and judges. For more information on this unique CLE offering, visit [cpe.fiu.edu/rfk](http://cpe.fiu.edu/rfk) to view sample modules and to enroll.

**A Guide to Legal and Policy Analysis for Systems Integration, 2006**

The purpose of this manual is to provide guidance in identifying and addressing legal and policy issues that will likely arise in any community undergoing systemic change. [Click here](#) to access this resource.

**King County Information Sharing Resource Guide.** The 2nd Edition of this Guide, released in 2009, summarizes what can be shared amongst the various systems involved with a youth and his or her family. The Guide provides easy-to-follow guidelines and has served as the basis for many other Information Sharing Guides throughout the nation. To access the Guide, visit: [www.modelsforchange.net/publications/376](http://www.modelsforchange.net/publications/376).

**Data Sharing Between Law Enforcement and Schools**

This is a summary, from Minnesota's Information Policy Analysis Division at the Department of Administration (IPAD), of some of the provisions in Minnesota and federal law that relate to sharing education data in the context of school safety and law enforcement. **IPAD** provides assistance and advice on Minnesota's public access and privacy laws to the public and government.

## **ISOLATION**

[Reducing the Use of Isolation](#): A Tool Kit for Reducing the Use of Isolation from the Council of Juvenile Correctional Administrators

## **JUVENILE COMPETENCE**

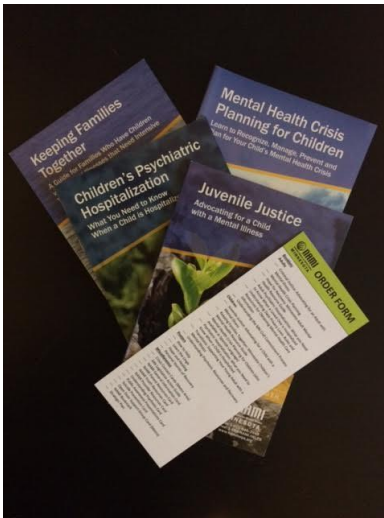
[Adjudicative Competence in the Modern Juvenile Court](#), by Richard E. Redding And Lynda E. Frost, Villanova University School of Law, Public Law and Legal Theory, Working Paper No. 2003-1

Janet Krueger, a Public Defense Attorney in Olmsted County, is willing to assist attorneys dealing with competency issues in juvenile matters. She can be reached at [janet.krueger@pubdef.state.mn.us](mailto:janet.krueger@pubdef.state.mn.us).

## RESOURCES FOR FAMILIES

### NAMI Minnesota [Publications](#)

• **Juvenile Justice: Advocating for a Child with a Mental Illnesses** (Sept. 2016) - Answers questions such as: What if my child is sent to a juvenile detention center? What does my child's attorney need to know? What can I expect in court? How can I help my child prepare to leave a correctional or treatment facility? How should I handle a mental health crisis? What do I need to know about calling law enforcement? Download, [here](#).



### NAMI [Support](#)

**Mental Health Crisis Services** – Mental health crises teams can travel to someone's home to assist in a mental health crisis, this can prevent a criminal justice response.

### [Minnesota Mental Health Ombudsman](#)

“Ombudsman definition: The Ombudsman (om-budz-muhn) is an independent governmental official who receives complaints against government (and government regulated) agencies and/or its officials, who investigates, and who if the complaints are justified, takes action to remedy the complaints.

The Office of Ombudsman for Mental Health and Developmental Disabilities (OMHDD) provides resources in the following three areas: [Client Services](#) (or General Ombudsman Services); [Medical Review](#) (Death and Serious Injury Reporting); [Civil Commitment Training](#)

## **Client/General Service**

The OMHDD assists with the following: concerns or complaints about services, questions about rights, grievances, access to appropriate services, ideas for making services better, review guardian actions; and general questions or the need for information concerning services for persons with mental or developmental disabilities, chemical dependence or emotional disturbance.”

## **MINNESOTA REPORTS**

### **Youth in Minnesota Correctional Facilities and Adverse Childhood Experiences**

Hurley Swayze, D., & Buskovich, D. (2015). *Youth in Minnesota Correctional Facilities and Adverse Childhood Experiences: Responses to the 2013 Minnesota Student Survey*. Minnesota Department of Public Safety Office of Justice Programs

Juvenile Justice Work Group, Report to the Minnesota Legislature. National Alliance on Mental Illness Minnesota, March 2014. Available at: <http://www.leg.state.mn.us/lrl/lrl.asp>

Minnesota Juvenile Justice and Mental Health Initiative: Findings and Recommendations. Minnesota Department of Corrections, 2008. Available at: <http://tinyurl.com/po5ea9f>

## **NATIONAL REPORTS AND RESOURCES**

**Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System.** National Center for Mental Health and Juvenile Justice. Available at: <http://tinyurl.com/hut3nzj>

### **Mental Health and Juvenile Justice Collaborative for Change**

The Mental Health/Juvenile Justice Collaborative for Change, led by the National Center for Mental Health and Juvenile Justice, is a training, technical assistance, and education center designed to promote and support adoption of new resources, tools, and program models to help the field better respond to youth with mental health needs in the juvenile justice system. Visit: [www.cfc.ncmhjj.com](http://www.cfc.ncmhjj.com)

- Stronger legal defense for indigent youth: National Juvenile Defender Center. For more information, visit: [www.njdc.info/resourcecenterpartnership.php](http://www.njdc.info/resourcecenterpartnership.php)

- Appropriate interventions for youth charged with non-delinquent–or status–offenses: The Status Offense Reform Center, led by the Vera Institute of Justice. For more information, visit: [www.statusoffensereform.org](http://www.statusoffensereform.org)
- Coordinated systems of care for young people involved in both the juvenile justice and child protective systems: The Robert F. Kennedy National Resource Center for Juvenile Justice, led by the RFK Children’s Action Corps. For more information, visit: [www.rfknrcjj.org](http://www.rfknrcjj.org)

[National Child Traumatic Stress Network](#)