

Data Sharing for Courts and Child Welfare Agencies

The U.S. Department of Health and Human Services Administration for Children and Families (ACF) offers this technical assistance guidance to courts and child welfare agencies to assist and support the creation of automated, bi-directional (two-way) data exchanges between their respective information systems. This document summarizes the benefits of data exchanges, identifies data categories to consider in data-sharing agreements, provides tips for overcoming common challenges, and highlights examples of successfully operating state and locally administered data exchanges. *The information and recommendations herein do not establish requirements or supersede existing laws or official guidance.*

This technical assistance guidance is organized as follows:

- **The Case for Data Sharing:** this section provides information on some of the advantages of title IV-E agencies and courts of competent jurisdiction working together to share data.
- **Data Sharing Models and Methods:** this section provides information on and examples of successfully operating data exchanges.
- **Legal Framework:** this section provides information on the legal considerations of sharing data.
- **Data Categories:** this section provides information on data categories to consider in developing data-sharing agreements
- **Examples:** this section provides example data sharing artifacts such as models and information-sharing agreements.
- **Appendix A – Sample Memorandum of Understanding:** this appendix provides a sample Memorandum of Understanding.
- **Appendix B – Regulatory and Legislative Resource Material:** this section provides relevant regulatory and statutory references for further reading.
- **Appendix C – Resources:** this section provides suggestions for resources to use when exploring data sharing.
- **Appendix D – Glossary of Acronyms and Terms:** this section provides definitions for terms used throughout the text.

Data Sharing: Courts and Child Welfare

2018

The Case for Data Sharing

State child welfare programs require close collaboration between state executive branch agencies and the courts.

New and existing federal law strongly encourages data sharing as a means to ensuring that state child welfare agencies and courts have timely access to the information they need to make important decisions about children and families. Federal regulations now contain a requirement, to the extent practicable, for child welfare agencies that operate a Comprehensive Child Welfare Information System (CCWIS) to include a bi-directional data exchange with the court.¹

Child welfare information systems track information on children, youth, and families. This information is critical to helping identify, understand, and meet the real needs of children and families across information systems. Such information can reflect the academic status and needs of a child, important medical and health needs of parents and children, historical involvement of the family or potential caregivers may have had with the child welfare information system, and a myriad of other important data points that are critical to informed decision-making towards the best outcomes for children and families. Data sharing increases efficiency and efficacy of program efforts by improving services to children and families, and saving administrative time.

Court information systems track information related to the rights of parties such as emergency hearing dates, permanency reviews, and permanency hearings. Advances in document management technology have allowed for remote, electronic filing of court pleadings and court orders, court reports can be shared electronically in advance of hearings to attorneys, families, Guardians ad litem (GAL), Court Appointed Special Advocates (CASA), court-designated staff members, and child welfare agency staff. Access to court information in advance of hearings, including tribal affiliation and data collected for victims of sex trafficking, increases parties' understanding of critical substantive and procedural considerations. When all parties have access to court information in advance of hearings, hearings are more likely to address the most important issues and proceed without delays or continuances.

The data that child welfare agencies are required to collect and report on children and youth changes over time. For example, Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act (2014) provides an opportunity for child welfare agencies to improve collaboration or begin a collaborative effort to share data. Child welfare agencies and courts that

¹ 45 CFR §1355.52(e)(2)(v) – “Systems operated by the court(s) of competent jurisdiction over title IV-E foster care, adoption, and guardianship programs”

Data Sharing: Courts and Child Welfare

2018

are already involved in data exchange can respond more nimbly to changes in the legislative and regulatory environment. In the case of sex trafficking victims, exchanging information keeps the courts informed of the challenges facing the youth, while identifying the provision of services to seek positive outcomes.

Opportunities and Benefits

Title IV-E agencies that build a CCWIS must create a bi-directional data exchange with courts, to the extent practicable.² Benefits to bi-directional data exchanges with court information systems may include:

- Elimination or reduction of the reliance on hard copy documents and storage;
- Capturing required title IV-E eligibility data and contrary to the welfare of the child determinations
- Consistency in petitions, notices, motions within a document management system to ensure valid reliable data;
- Cost savings in automated filings of court documentation;
- Measuring court performance in timeliness of hearings and decisions;
- Reporting per jurisdiction on foster care population demographics, time in care, number of removals, number of discharges;
- Freeing up child welfare and court staff administrative-type duties to concentrate on more critical tasks;
- Providing a centralized access to information for attorneys, judges, GALs, CASAs, and court staff;
- Easing the administrative burden on families and children who are subject to proceedings; and
- Increasing the timeliness of actions to protect vulnerable children.

The courts will see benefits and opportunities related to streamlined transactions of notices, petitions, and motions. The exchange may also provide opportunities to the courts to meet child welfare policy timelines and may measure timeliness, with regard to adjudication, disposition, and the first permanency planning hearing.

The two agencies are more likely to achieve these benefits if they collaboratively establish data sharing protocols defined in data sharing agreements. Such agreements should address common

² 45 CFR §1355.52(e) – required data exchanges

Data Sharing: Courts and Child Welfare

2018

issues such as secured access, security profiles, protection of personally identifiable information, and confidentiality.

Several jurisdictions currently operate data exchanges, e.g., Alabama, Colorado, District of Columbia, Texas, and Utah. Building on the lessons learned from these data exchanges, courts benefit from these data exchanges on multiple levels:

- Measurements of positive outcomes for children in care;
- Timeliness of information shared;
- Identifying participants with legal standing in the courts; and
- Identifying the foster care provider and/or service providers.

These jurisdictions are considering future enhancements, such as:

- Creating a court calendar to view hearing dates;
- Creating a name reconciliation process;
- Allowing a court view of Adoption and Foster Care Analysis and Reporting System (AFCARS) data elements; and
- Unifying and coordinating cases involving family members.

Potential program-related categories for data exchanges (a list is provided in section: Examples of Data Categories) could encompass the court's timeliness in scheduling hearing dates, rendering decisions, and the child welfare agency's permanency efforts. Data could also identify:

- Current and historical services provided to family and child(ren);
- Concurrent planning efforts towards permanency;
- Comprehensive assessments of child(ren) and family strengths, needs, and challenges; and
- Availability of services needed to support child(ren) and families.

SPOTLIGHT

Supreme Court of Georgia Committee on Justice for Children Bi-directional Exchange with the Georgia Division of Family and Children Services' Child Welfare Information System

Georgia's Court Process Reporting System

Georgia's Court Process Reporting System (CPRS) provides court stakeholders up-to-date information about what's happening to children and parents as they move toward permanency. CPRS maintains a central repository of child records, composed of data from multiple sources.

CPRS integrates the information from these different data sources into an easily-navigable web application for the appropriate court personnel. Via a web service, CPRS pulls statewide foster care case plan data from the Department of Family and Children Service (DFCS) SACWIS system each night. The Department of Education transfers complete education histories for children in foster care to CPRS via a secure file transfer. Each morning, the Department of Juvenile Justice, which serves child offenders, transfers all of its active cases to CPRS. The Georgia Court Appointed Special Advocates (GA CASA) volunteers author and store their court reports within CPRS. Finally, court clerks can electronically file court orders in CPRS. CPRS then sends newly-filed orders via a web service to DFCS, where the orders are automatically deposited into SACWIS child records.

Automating this data collection dramatically reduces communication by paper documents, emails, phone calls, and office visits. CPRS's court order exchange relieves DFCS case managers of having to track down and store required court orders. Another benefit of sharing this information is accountability: when many eyes are on the case, quality improves. Easy access to information offers CPRS users a more comprehensive understanding of the children's lives.”

More information about CPRS can be found by following <http://gacprs.org/>

Challenges and Considerations

There are important challenges that must be considered in the development of data exchanges. Funding is a key component of any IT development project. When child welfare agencies build a CCWIS, they are required to establish a bi-directional data exchange with the court information systems, to the extent practicable, and federal funding is available for a portion of the child welfare agency's costs. However, this federal funding will not cover the cost to build the court information system's side of the exchange. Also, courts do not have the same mandate in sharing the data, but are encouraged to engage in open dialogue with child welfare agencies to achieve that goal. Agencies and courts need to actively collaborate to overcome barriers and identify solutions that are mutually beneficial. Barriers can include the lack of:

- Funding to begin, expand, or enhance court information systems and/or child welfare information systems at a tribal, state or local level;
- Existing IT, i.e., nonexistent or older court information systems or child welfare information systems;
- Agreement upon data elements to be shared, including discussions on ownership, need, and security;
- Assurances on data quality, such as accuracy, completeness, and timeliness;
- Common identifiers for children, youth, and families involved in both the court information systems and child welfare information systems;
- Agreed-upon functions to pursue, e.g., calendar management, notification of parties and witnesses, case tracking, document management;
- Protocols for electronically sharing information with other parties or attorneys, identifying secured access protocols, safeguarding confidentiality, personal identifying information;
- Time for planning and goal-setting for data integration between the two information systems;
- A coordinator to lead and engage stakeholders;
- A plan to maintain and enhance an ongoing data exchange;
- Memoranda of Understanding (MOU) or Interagency Agreements that include legal authority for disclosure, transmission, receipt, and retention of information; and
- Business requirements analysis to adequately define the needed data to exchange and ensure that the development plan is aligned and prioritized according to the needs and priorities of all programs.

Without data exchanges and a focus on overall data quality, as measured in timeliness, completeness, and accuracy of current data, there is a negative impact on both courts and child welfare. This includes a reliance on manual processes, which tasks staff in coordinating reports

Data Sharing: Courts and Child Welfare

2018

from providers; preparation of documents, which would be unnecessary if they were electronically exchanged; and physical delivery of the various products that are necessary for the progression of a case through court business processes. Information systems can align child welfare practice with family court actions for desired goals and measurable outcomes for safety, well-being, and permanency.

Automation of exchanges between courts and child welfare agencies will help agencies send reports to all parties in the case and prevent *ex parte* communications. Data exchange increases privacy protection by focusing on access controls. Lack of data exchange protocols could increase privacy risk, especially if staffs share data through less formal or ad hoc communication channels (such as unencrypted email, fax, postal mail, etc.). A court information system can reduce the risk of *ex parte* communications by delaying the sending of reports and/or only sending reports to parties of record on the case (See Appendix A).

Partnerships and a Strategic Plan

Creating a strategy from overlapping goals of courts and child welfare agencies begins with awareness of the common needs and a desire to create solutions to meet shared objectives. However, to be effective, all solutions must be based on mutual best practices that lead to better outcomes for children, youth, and families. The strategic plan should focus on safety, well-being, and permanency; meeting legislative and regulatory mandates; and supporting judicial decision-making and efficient court operations.

The Capacity Building Centers for the States³, the Tribes⁴, and the Courts⁵ are available to assist states, courts, and tribes in discussing the possibilities of creating exchanges and to provide technical assistance to help support exchange-related efforts.

³ <https://capacity.childwelfare.gov/states/>

⁴ <https://capacity.childwelfare.gov/tribes/>

⁵ <https://capacity.childwelfare.gov/courts/>

SPOTLIGHT

Centralized Court Information System Bi-directional Exchange with Centralized Child Welfare Information System

Utah Courts and Child Welfare Data Exchange

The Utah Administrative Office of the Courts (AOC) and the Utah Division of Child and Family Services (DCFS) implemented an interface between each agency's management information system in 2009. This interface was designed to seamlessly share real time information regarding common clients within each agency's own information system. This interface is governed by a Memorandum of Understanding, which also established an Interface Workgroup. The regular collaboration of this group and its members has been an essential part of the continued progress and expansion of this interface.

Improvements to interface security and expansion of shared elements has occurred over time. DCFS currently uses a Juvenile Court Directory Search screen to identify and link common individuals with a unique identifier. With this identifier, AOC provides real time hearing schedule information, court orders and other documents based on legal accessibility timelines and allowances. This also allows DCFS to electronically file documents and associate them to specific hearings. The real time exchange of documents and data has improved communications between caseworkers, courts, and legal partners and enabled DCFS to more accurately calculate IV-E eligibility determinations.

Data Exchange Models and Methods

In information systems, data can flow in either a bi-directional or a one-way transmission. In bi-directional exchanges, information is transmitted automatically and electronically⁶ between two information systems. Alternatively, one-way transmissions consist of data sent from one information system to another information system, with no data sent in return.

In bi-directional exchanges, the information may originate in a child welfare information system and be transmitted to the court information system, which in turn shares information originating from the court information system with the child welfare information system. In the same manner, the court information system may send updates of court case data (e.g., permanency hearing date established), through the exchange to the child welfare information system.

One-way transmissions send the same type of information as bi-directional exchanges; however these transmissions are only from one information system to another. For example, a one-way exchange may consist of a child welfare information system transmitting to a court information system with no court information system data returned to the child welfare information system. This is analogous to sending paper mail to a single address.

To support a one-way or bi-directional data exchange, it helps to start with a common data model that defines the data to be shared to ensure it is used and interpreted the same across organizations. An example that has been widely adopted in both human services and courts environments is the National Information Exchange Model⁷, which provides both a common, government-wide data model and a well-defined data exchange development process. Whatever approach is taken, it is critical to ensure both parties understand the data and conforms to shared expectations with respect to definitions, format, and quality.

Triggers to Exchange Data

Data sets are transmitted based on agreed-upon triggers that are established in the planning and development of the data exchange. From a child welfare information system, the triggers may be:

⁶ 45 CFR 1355.51(a) - *Data exchange* means the automated, electronic submission or receipt of information, or both, between two automated data processing systems.

⁷ <https://www.niem.gov/>

Data Sharing: Courts and Child Welfare

2018

- Initial Date of Removal
- Initial Placement
- Change in Placement, or
- Linking of cases through a court ID

From a court information system, the trigger to send data might be based on a:

- Specific court hearing type , e.g., disposition or permanency, or
- Change in court hearing date or time.

Frequency and Method of Exchange

The frequency of the exchange is negotiated between the involved partners and may be real-time, nightly, weekly, or in some other pre-determined cycle. Data exchanges conclude at the negotiated time such as when a child's removal has an end-date entered in the child welfare information system.

Data exchange methods may depend on one or more approaches such as a batch process; a real-time, on-demand, online data exchange; a secure file transfer protocol (FTP); an electronic document exchange (also known as an e-file); reciprocal user access to systems; or a hard copy exchange, if required by state or tribal law.

Triggers, frequency, and transmission methods are all dependent on the planned strategy between child welfare agency and court leadership to determine the best approach.

Legal Framework

Key federal legislation passed over the past decade eased legal restrictions around sharing records for children and youth in foster care. There are now greater opportunities for child welfare agencies to use data to inform child-specific case planning based on data-driven decision-making, and to share the interventions that have shown promising results in improving outcomes for youth in foster care.

Child welfare agencies are subject to title IV-B/IV-E requirements to provide safeguards against the improper use and disclosure of confidential information concerning individuals assisted under

Data Sharing: Courts and Child Welfare

2018

these plans.⁸ The applicable laws and regulations authorize agency disclosure of otherwise confidential information only to certain classes of individuals and entities for certain purposes.⁹ These protections in turn apply to any re-disclosure of that information by the authorized recipient.¹⁰ For example, the IV-E statute specifically allows disclosure of otherwise confidential information for purposes directly connected with the administration of the title IV-B/IV-E plans.¹¹

Part of the process for a child welfare agency to disclose otherwise confidential information under titles IV-B/IV-E is a careful consideration of all applicable confidentiality protections when working to implement a data exchange to ensure that any disclosure of information about children and families also meets other federal, tribal, state, and local confidentiality laws. For example, the Child Abuse Prevention and Treatment Act (CAPTA) requires that states receiving a CAPTA state grant preserve the confidentiality of all reports and records on child abuse and neglect to protect the privacy rights of the child and the child's parents or guardians, except in certain limited circumstances.¹²

⁸The majority of federal funding provided to states for child welfare is through titles IV-B and IV-E of the Social Security Act.

⁹ 42 U.S.C. §671(a)(8), 45 CFR §1355.21(a) and 45 CFR §205.50

¹⁰ 45 CFR §205.50(a)(2)(ii)

¹¹ 42 U.S.C. §671(a)(8)(A)

¹² 42 U.S.C. §5106a(B)(2)(B)(viii)(VI) of CAPTA; Child Welfare Policy Manual Section 2.1A.1, Q/A #1; https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=67

Data Sharing: Courts and Child Welfare

2018

Data Category Examples

The following are non-exhaustive lists of potential categories of data and personally identifying information (PII) from child welfare records that could be shared in a bi-directional data exchange and via data-sharing agreements. Any data-sharing agreement must comply with federal and state privacy, confidentiality, and re-disclosure requirements. This document also shares an MOU sample in Appendix A.

States with beneficial child welfare and court data exchanges identify the following data as useful for effective case planning.

Data Category – Child Welfare	How it Supports Courts
Demographics , such as name, address, and date of birth.	This data is used to match persons across systems.
Child Protective Services (CPS) Initiated , such as tribal affiliation, circumstances and date of removal, hearing information, and the judge in the case.	This data is used to establish the initial court hearing.
Permanency , such as permanency goals, foster parent information, judge and attorney information, related parties' information, education information, services information, and number and type of placements.	This data is used to establish outcomes for the court hearings (adoption, foster care placement, independent living, reunification, or reinstatement).
Historical data , such as permanency goals, number and type of placements, foster parent information, judge and attorney information, related parties information, education information, and services information.	This data is used to provide background information.

Data Sharing: Courts and Child Welfare

2018

Data Category – Courts	How it Supports Child Welfare
Calendar Management , such as hearing information and deadlines, judge and attorney information, overrides, scheduling options, and quality hearing indicators.	This data is used to inform all parties of the schedule for court hearing and information submission dates.
Notification to Parties and Witnesses , such as electronic alerts for document filing deadlines, court hearing dates, or protective orders.	This data is used to keep all parties informed of the requirements for the courts processes on an ongoing basis.
Document Management , such as templates, petitions, orders, or notices.	This data is used to keep a record of the court proceedings.
Tracking , such as status and history of legal status, filings, notices, orders, and services.	This data is used to keep the court proceedings on schedule.
Aggregate Reports – Performance Management , such as time from removal to placement, from permanency hearing to permanency hearing, from placement to termination of parental rights, from termination of parental rights to adoption, and number of cases with overdue legal timeframes.	This data is used to improve the interaction between the child welfare agency and the courts as well as provide measurable data for administrative purposes.
Aggregate Reports – Judicial Management , such as maltreatment information, cases involving other courts, child welfare agency caseworker information, or provider information.	This data is used to improve the interaction between the child welfare agency and the courts as well as provide measurable data for administrative purposes.

Interagency Data Sharing Agreement

ACF strongly encourages child welfare agencies and courts enter into agreements to implement bi-directional data exchanges to improve outcomes for children involved with child welfare. The goal of better outcomes may be achieved through the collection of more timely, more accurate, and better quality information. To establish a data exchange, the written agreement or MOU should define a data governance plan, which will clarify each agency’s responsibility in regard to the sharing and use of case and child data consistent with federal and state confidentiality provisions.

Data Sharing: Courts and Child Welfare

2018

In the below section, we provide examples of basic information to be included in written agreements of this type. This document also shares an MOU sample in Appendix A.

Content Area	What to Do
General Information – Parties Involved	Identify names/addresses/phone numbers of the organizations and agencies involved in the agreement. Identify succession protocol if stakeholders change.
General Information – Purpose of Agreement	State, in nontechnical language, the reason(s) for which the entities are entering into the agreement. Include terms and conditions for necessary modification(s).
Justification for Access	Specify legitimate interests related to the courts and child welfare agency concerning outcomes of safety, well-being, and permanency for youth in the custody of the child welfare agency, timeliness of hearings and decisions in the courts, and any other initiatives that are mutually beneficial to create access for courts, attorneys, GALs, CASAs, etc.
Agreement – Key Personnel Responsibilities	Define executive personnel for each agency responsible for implementation of the data exchange.
Agreement - Access	Define the terms and permissions for users to be designated in order to obtain information, privileges of authorized personnel, any technical requirements, and archive/purge expectations.
Agreement – Destruction of Records	Identify the requirements for record retention (i.e., the requirement to destroy personal identifying information from child welfare records according to applicable statutes) and specify the time when information must be destroyed.
Data Elements – Examples of Data Categories	Determine the data elements to include in the exchange. The following are examples of data categories to consider: Demographics; allegations, dependency, or delinquency; dates of hearings, removals, placements, and services; dates of decisions rendered; and parties of legal standing, such as attorneys, family members, GALs and CASAs.
Technical Specifications –	Define and describe the data to be accessed, the frequency of automated data exchanges, and the

Data Sharing: Courts and Child Welfare

2018

Content Area	What to Do
Method of Data Access or Transfer	method of data sharing.
Technical Specifications – Data Quality	Specify quality expectations for data shared by each agency, such as accuracy, completeness, and timeliness.
Technical Specifications – Installation	Cooperate with the respective entities’ required installation of necessary software, security features, and any security technical requirements prior to being granted access to each other’s data.
Confidentiality Specifications – Confidentiality	Identify specific safeguards to which each agency must adhere to assure the security of confidential information, such as individually identifiable records. This could be accomplished through required individual employee training, including signed acknowledgement of confidentiality and privacy requirements if needed, and whether those must be re-signed periodically at an established time. Retention timeframes for employee agreements should also be detailed here. Define any specific responsibilities when sharing information and any restrictions on use of the information shared and circumstances that must be met in order to receive data from either agency.
Confidentiality – Data Security	Identify security requirements for each agency’s information system. For example, data in transit (i.e., being exchanged) must be secured, such as by encrypting the information to prevent unauthorized access.
Confidentiality Specifications – Re-disclosure	Establish a protocol for determining if there has been a data breach, meaning confidential information (such as personal identifying information) has been inappropriately shared with persons or entities outside the parameters of any consents. Under this protocol, the courts and child welfare agencies should consider if consents should be established to include those entities, and if not, whether they are subject to any action for accessing or using data outside of the consents. Requirements for notification of inappropriate access must also be included.

Data Sharing: Courts and Child Welfare

2018

Content Area	What to Do
Administrative Specifications – Assurances	Define the legal assurances that must be acknowledged by each agency for receipt of the data.
Administrative Specifications – Legal Framework	Document the legal framework of exchanging the agreed upon data, including any indemnity issues.
Administrative Specifications – Terms	Define the effective dates of the agreement, whether it can be renewed, and if so, for the established time period. Include how modifications to the agreement will be handled and how the agreement can be terminated.
Administrative Specifications – Training	Define the coordination of training for authorized users of each agency on shared data.
Administrative Specifications – Signatures	Include a signature box for the name of the agency, the name and the title of the person signing, and date of signature by an individual with legal authority to bind the entity.

Appendix A – Sample Memorandum of Understanding

The following is an outline of a Memorandum of Understanding (MOU), which is commonly used as the basis of a data-sharing agreement between courts and child welfare agencies. It highlights the structure and conditions that are typically used in such MOUs. A sample from a state partner is attached to this document. These are shared simply as examples; states should consult with their legal counsel to ensure that any MOUs they develop comply with all applicable Federal, state, and local laws.

MEMORANDUM OF UNDERSTANDING
(INFORMATION SHARING AGREEMENT)
BY AND BETWEEN

THE XXX DEPARTMENT OF HUMAN SERVICES, AND THE YYY JUVENILE COURT

Effective from **Date-Date (no more than blank years allowed)**

I. Parties:

II. Background:

III. Purpose of the MOU:

IV. Legal Authority for sharing records:

V. Provisions of Agreement:

- a. The Court Systems/Child Welfare Systems Project is committed to:
- b. Responsibility of Partners
- c. Interface Workgroup
- d. Progress Reports

VI. Access Rights

VII. Data Transfer

VIII. Data Security:

Data Sharing: Courts and Child Welfare

2018

- a. Data Storage
- b. Distribution

IX. Points of Contact:

DHS-DCFS
Name
Director of Information Systems,
Evaluation, & Research Utah Division of
Child and Family Services
Phone
Email

Juvenile Court
Name
Juvenile Court Administrator
Phone
Email

DHS-DJJS
Name
Director
Phone
Email

Office of the Guardian ad Litem
Name
Director
Phone
Email

Attorney General's Office- Child Protection
Division
Name
Assistant Attorney General
Phone
Email

X. Termination

APPROVAL:
JUVENILE COURT
/s/
Name
Juvenile Court Administrator

/s/

Data Sharing: Courts and Child Welfare

2018

Name
Director

UTAH OFFICE OF GUARDIAN AD LITEM

/s/
Name
Director

ATTORNEY GENERAL'S OFFICE – CHILD PROTECTION DIVISION

/s/
Name
Director

Data Sharing: Courts and Child Welfare

2018

Appendix B – Regulatory and Legislative Resource Material

The following table details the statutory and regulatory sections relevant to data collection for States, Tribes, Courts, and Child Welfare Agencies discussed in this document. Automated data exchanges facilitate sharing this data and reduce the data collection burden on children and families.

Legislation/Regulation /Citation Title	Legislation/Citation/ Regulation Brief Highlights	Data Elements or Requirements for Reporting	URL Location
<p>Entitlement Funding for State Courts to Assess and Improve Handling of Proceedings Relating to Foster Care and Adoption</p> <p>Social Security Act Sec. 438 [42 USC 629h]</p>	<p>The purpose of the State Court Improvement Program (CIP) is to allow state courts to make improvements to provide for the safety, well-being, and permanence of children in foster care and assist in the implementation of Program Improvement Plans (PIPs) as a result of the Child and Family Services and title IV-E Foster Care Eligibility Reviews.</p>	<p>Children’s Bureau’s most recent program instructions for CIP, ACYF-CB-PI-16-05, encourages state courts to collect data from statewide and local court databases, where available, including but not limited to: data from the state title IV-B/IV-E agency pertaining to court-involved children and families including data available through state child welfare information systems; CFSR Round 3 Data Indicators, National Child Abuse and Neglect Data System, and National Youth in Transition Database (NYTD); and systematic or sampling methods to collect data on a county, pilot or multiple county basis.</p>	<p>https://www.gpo.gov/fdsys/granule/USCODE-2010-title42/USCODE-2010-title42-chap7-subchapIV-partB-subpart2-sec629h</p> <p>https://www.acf.hhs.gov/cb/policy-guidance/pi-16-05</p>

Data Sharing: Courts and Child Welfare

2018

Legislation/Regulation /Citation Title	Legislation/Citation/ Regulation Brief Highlights	Data Elements or Requirements for Reporting	URL Location
<i>Comprehensive Child Welfare Information System (CCWIS)</i> 45 C.F.R. Part 1355, §§ 1355.50-1355.58	CCWIS key provisions: (1) promote data sharing with other agencies; (2) require quality data; (3) reduce mandatory functional requirements; and (4) allow agencies to build systems tailored to their needs.	Regulations require that IV-E agencies seeking federal financial participation to build a CCWIS must incorporate bi-directional data exchanges to collect and share court data, where practicable.	http://www.ecfr.gov/cgi-bin/text-idx?SID=c57517328c902f64aaffb0dafc05b97e&mc=true&node=pt45.4.1355&rgn=div5#se45.4.1355_151
<i>Adoption and Foster Care Analysis and Reporting System (AFCARS)</i>	Key provisions of Preventing Sex Trafficking and Strengthening Families Act P.L. 113-183 amends title IV-E to require that agencies identify, report, and determine appropriate services for victims of sex trafficking.	ACF is required to collect the following information from states as part of its AFCARS data collection: E) ¹³ the annual number of children in foster care who are identified as sex trafficking victims— (i) who were such victims before entering foster care; and (ii) who were such victims while in foster care	https://www.congress.gov/113/plaws/publ183/PLAW-113publ183.pdf
<i>National Youth in Transition Database</i> 45 C.F.R. 1356.80-86	Key provision: requires states to report to ACF specific information on youth transitioning out of foster care, services they received and the outcomes of those services.	<u>Child-Level Data that states must report to ACF include:</u> child's race; child's tribal affiliation	https://www.acf.hhs.gov/cb/research-data-technology/reporting-systems/nytd

¹³ Sec. 103 of P.L. 113-183 added Social Security Act sec. 479(c)(3)(E).

Appendix C – Resources

Term	Additional Information and URL Location
National Information Exchange Model (NIEM)	<p>NIEM refers to the use of common or shared language in order to successfully exchange information between entities.</p> <p>For more information: https://www.niem.gov/</p> <p>NIEM Justice Domain: https://www.niem.gov/communities/justice</p> <p>NIEM Human Services Domain: https://www.niem.gov/communities/human-services</p> <p>Children's Bureau's NIEM website: https://www.acf.hhs.gov/cb/niem</p>
Interoperability Group	<p>This group, organized by ACF, promotes the exchange of information between systems to yield positive results for both systems. The focus is on eliminating barriers to collaboration.</p> <p>https://www.acf.hhs.gov/about/interoperability</p>
Division of State Systems Website	<p>The Division of State Systems' website has information related to CCWIS regulations and federal guidance.</p> <p>https://www.acf.hhs.gov/cb/training-technical-assistance/state-tribal-info-systems</p>
Court Improvement Program (CIP)	<p>A program of grants to state courts designed to assess judicial practices for adoption and foster care and to develop improvement plans based upon the results of these assessments.</p> <p>https://www.acf.hhs.gov/cb/resource/court-improvement-program</p>
National Center for State Courts: Technology, Leadership, Planning and Standards Resource Guide	<p>The National Center for State Courts developed a resource guide for additional information about incorporating technology into the judicial system.</p> <p>http://www.ncsc.org/Topics/Technology/Technology-Leadership-Planning-and-Standards/Resource-Guide.aspx</p>

Appendix D – Glossary of Acronyms and Terms

Term	Definition
Bi-directional Data Exchange	The two-way, send-and-receive automated and electronic transmission of information between two automated data processing systems.
CASA	Court Appointed Special Advocates – these are voluntary court-appointed advocates on behalf of abused and/or neglected children in care. ¹⁴
CCWIS	Comprehensive Child Welfare Information Systems – means an automated data processing system meeting all requirements in 45 CFR 1355.51 – 1355.59.
Data Sharing	The electronic provision of data across information technology systems based on agreements between agencies e.g., Memorandum of Understanding, Memorandum of Agreement, data sharing agreements.
GAL	Guardian ad litem is a person who functions as an officer of the court to compile relevant information on behalf of child custody and visitation issues, but is not confined to these responsibilities, depending on court expectations.
Information System	Information system means an automated, electronic application that collects, creates, stores, processes, and distributes data.
Judicial Management	The method of court(s) to manage caseloads, calendar scheduling, information gathering, reporting, and establishing metrics for measuring performance in timeliness of decisions and case progression through the system. This can be an automated approach in totality or a hybrid.
Performance Measures	The process of collecting, analyzing and/or reporting information regarding how well an individual, group, organization, system or component is performing in timeliness, accuracy, completeness, and speed.
Permanency	Permanency is described as return to a parent, placed for adoption, legal guardianship, placed permanently with a fit and willing relative, or placed in another planned permanent living arrangement.
PII	Personal Identifiable Information encompasses any information that can be used on its own or with additional information to locate, contact or identify an individual. Security, confidentiality, and privacy laws and policies

¹⁴ Further resource material:

http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5301321/k.6FC1/State_and_Local_Programs.htm

Data Sharing: Courts and Child Welfare

2018

	specific to automated information technology systems are meant to protect PII.
Re-disclosure	This is the act of sharing information received from another source, such as a medical provider, health insurance provider, etc.
Well-being	Families have enhanced capacity to provide for their children's needs; Children receive appropriate services to meet their educational needs; Children receive adequate services to meet their physical and mental health needs.