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0449 Children's Information Management



Report of the

Children's Information

Management Committee

Report to the

COLORADO

LEGISLATIVE COUNCIL

Colorado Legislative Council
Research Publication No. 449
December 1998

**REPORT OF THE
CHILDREN'S INFORMATION
MANAGEMENT COMMITTEE**

**Research Publication No. 449
December 1998**

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ROOM 029 STATE CAPITOL
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(303) 866-3521 FAX: 866-3855 TDD: 866-3472

December 1998

To Members of the Sixty-second General Assembly:

Submitted herewith is the final report of the Children's Information Management Committee required by Section 19-1-311 (2) (c), C.R.S. At its meeting on October 15, 1998, the Legislative Council reviewed the report of this committee but did not recommend forwarding the proposed bill.

Respectfully submitted,

/s/ Representative Chuck Berry
Chairman
Legislative Council

CB/CB/pw

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CHILDREN'S INFORMATION MANAGEMENT COMMITTEE

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Vice Chairman

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Senator Sally Hopper

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Senator Jim Rizzuto

Senator Dottie Wham

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Legislative Council Staff

Cynthia Bihms
Research Associate

Office of Legislative Legal Services

Jennifer Gilroy
Senior Staff Attorney

EXECUTIVE SUMMARY

Committee Charge

House Bill 96-1017 established the Children's Information Management Committee (CIMC) and directed the committee to:

- review and make recommendations to a Strategic Planning Team established by the Department of Human Services regarding its plan for collecting, maintaining, and disseminating information about children and families who receive state services;
- review a Final Technology Plan submitted by the Commission on Information Management (the entity that is statutorily responsible for approving statewide strategic data processing plans); and
- submit a legislative proposal establishing policy, responsible agencies, and funding for the Children's Information Management System.

Committee Activities

The Children's Information Management Committee held seven meetings in 1997 and 1998. In 1997, the committee received recommendations from the Strategic Planning Team in the Department of Human Services. Based on these recommendations, the committee provided guidance regarding the type of information that should be contained in a database to track children and families who are the subject of a dependency and neglect action, a juvenile delinquency action, or a juvenile arrest. The CIMC reviewed the recommendations of the Strategic Planning Team and submitted them, with additional recommendations, to the Commission on Information Management (IMC). On February 1, 1998, the IMC submitted a Final Technology Plan concerning the development of the database to the Children's Information Management Committee.

Committee Recommendations

Based on discussions with the Strategic Planning Team and the Commission on Information Management, the CIMC did not believe that the proposed database system would be feasible due to the limited statutory charge given to the Planning Team and the CIMC. Due to this, the CIMC recommended a continuation of the study to develop an integrated database system. The CIMC and the Commission on Information Management believed that the database would be more efficient if it contained information about service providers. This information could then be used to assist the State Auditor's Office with the programmatic reviews and evaluations it conducts pursuant to the Children's Code Records and Information Act.

BACKGROUND OF COMMITTEE

This section discusses the activities that led to the idea of developing a database to track children and families who receive certain state-funded services.

Committee on Youth Violence

In 1993, the Interim Committee on Youth Violence determined that there was a lack of prevention and intervention services, and that those services which existed were duplicated, fragmented, or undocumented.¹ The Committee on Youth Violence recommended that the Children's Code be revised because of the increased burden placed on the state's judicial and human services systems to provide services to children and families. Section 19-1.5-101, C.R.S., created a Task Force to study the recodification of the Colorado Children's Code.

Task Force to Study the Recodification of the Children's Code

In 1995, representatives of various state departments, courts, children and family service provider agencies, and child welfare advocates comprised a Task Force to Study the Recodification of the Children's Code. The Task Force created various subcommittees and consulted with a six-member Legislative Oversight Committee regarding the development of a proposal to recodify Title 19 of the Colorado Revised Statutes. The Task Force reported to the Legislative Oversight Committee on a monthly basis regarding its activities and submitted a final report in September 1995.²

Information management and audit review recommendations made by two subcommittees of the Task Force were consolidated into House Bill 96-1017, *Concerning the Management of Information Related to Children Who Receive Services under the Colorado Children's Code*. Based on these recommendations, the Oversight Committee wanted to ensure that:

- a child's treatment history could be tracked as they receive services from different agencies;
- service providers would be held accountable; and
- service providers would be subjected to a performance audit.

1. *Committee on Youth Violence*. Legislative Council Research Publication No. 386, December 1993.

2. *Task Force for the Recodification of the Children's Code*. Office of Legislative Legal Services. September 1995

Children's Information Management Committee

House Bill 96-1017 established the Children's Code Records and Information Act. It created the Children's Information Management Committee and required the State Auditor's Office to conduct annual programmatic reviews and evaluations of intervention and prevention programs that are funded by the state. The Act also required the Department of Human Services to form a Strategic Planning Team to develop a plan for implementing and maintaining a centralized integrated database system for collecting, maintaining, and disseminating information related to the identity of a child and the child's family who receive services under the Children's Code. Table 1 provides a description of the activities that led to the proposal to develop the Children's Information Management system.

| Table 1 Activities that Led to the Proposal to Develop a Children's Information Management System | |
|--|---|
| 1993 | Due to the increasing rate of crime committed by Colorado youths, an Interim Committee on Youth Violence studied crime prevention and intervention measures. The Committee determined that there was a lack of prevention and intervention services and that services provided to children and families were duplicated, fragmented, or undocumented. |
| 1994 | A Task Force was created to study the recodification of the Children's Code. Representatives of various state departments, courts, children and family service agencies, child welfare advocates, and concerned parents submitted recommendations to a six-member Legislative Oversight Committee. The Task Force suggested various improvements to the Children's Code and made recommendations regarding Colorado's juvenile justice system. |
| 1995 | The Task Force submitted its final report containing legislative recommendations to the Legislative Oversight Committee. The Legislative Oversight Committee developed legislative proposals and consolidated the information management and audit review recommendations that were submitted by the Task Force into House Bill 96-1017. The Legislative Oversight Committee wanted to ensure that a child's treatment history could be tracked as they receive services from different agencies; service providers would be held accountable; and service providers would be subjected to a performance audit. |
| 1996 | House Bill 96-1017 was adopted which created the Children's Code Records and Information Act. The Act requires the State Auditor's Office to conduct annual programmatic reviews and evaluations of service provider programs that receive state funds. It also created the Children's Information Management Committee and required the Department of Human Services to form a Strategic Planning Team to develop a plan for establishing an information management system that would track youths and families who receive certain state-funded services. |
| 1997 | The Strategic Planning Team submitted its plan for developing the information management database to the Children's Information Management Committee and the Information Management Commission. |
| 1998 | The Information Management Commission submitted its report concerning the development of the database to the Children's Information Management Committee. The Children's Information Management Committee submitted a legislative proposal to continue the study and expand the charge and membership of the Strategic Planning Team and the Children's Information Management Committee. The Legislative Council did not approve the proposal because the recommendation to continue the study and revise the charge and scope of the study were not in the charge that was given to the CIMC. |

COMMITTEE ACTIVITIES

Children's Code Records And Information Act

The Children's Code Records and Information Act serves a two-fold purpose. First, it requires the State Auditor's Office to conduct programmatic reviews and evaluations of service provider programs. Second, it creates a Children's Information Management Committee to develop a legislative proposal for a database system to track children and families who have had a formal contact with, and who have received prevention and intervention services provided under the code, from a state or local service provider agency.

Programmatic reviews and evaluations of service providers. Section 19-1-310, C.R.S., requires the State Auditor's Office to conduct programmatic reviews and evaluations of intervention and prevention programs that are funded by the state. Section 2-3-112 (5), C.R.S., requires the State Auditor's Office to report to either the Health, Environment, Welfare, and Institutions (HEWI) or Judiciary committees (whichever is deemed appropriate by the Legislative Audit Committee), and the Joint Budget Committee of the General Assembly. The State Auditor's Office submitted a report to the House and Senate Health, Environment, Welfare, and Institutions and Judiciary Committees in January 1997.³

Children's information management database. The Children's Information Management System is an integrated database system which would consolidate information from various service-provider agencies pertaining to intervention and prevention services provided to children and families. The database is not intended for citizen use, but rather as a tool for service providers to exchange and share information in order to provide better services to children and families, and eliminate the duplication of services.

Groups Involved in the Development of the Database

The twelve-member Children's Information Management Committee, the Department of Human Services' Strategic Planning Team, and the Commission on Information Management worked together to develop a plan for creating a Children's Information Management System. Each of these groups will be briefly discussed.

Children's Information Management Committee. Section 19-1-311 (3), C.R.S., creates a Children's Information Management Committee (CIMC) which is comprised of three members each from the House and Senate Judiciary Committees and the six members of the Joint Budget Committee. The CIMC reviewed and made recommendations to the

3. *Prevention and Intervention Programs for Children and Families: Recommendations for House Bill 96-1017 Audits.* Colorado State Auditor's Office. January 3, 1997.

Strategic Planning Team regarding collecting, maintaining, and disseminating information about certain children and families who receive state services. The committee also developed a legislative proposal concerning the continuation of the study to develop an integrated database system. The committee's recommendations are contained in the section titled "Proposed Children's Information Management System."

Strategic Planning Team. Section 19-1-311 (1), C.R.S., creates a Strategic Planning Team comprised of representatives of the Departments of Education, Corrections, Human Services, Judicial, and Public Safety, the Colorado Children's Trust Fund, and six school district superintendents. The Planning Team is charged with identifying specific requirements and processes for collecting, maintaining, and disseminating information about children and families who receive state prevention and intervention services under the Children's Code. The Strategic Planning Team met during 1996 and 1997 and submitted a report, *Children's Information System Strategic Business Plan*, on August 1, 1997. A revised report that includes recommendations made by the Children's Information Management Committee was submitted on October 15, 1997.

Commission on Information Management. Section 24-30-1702, C.R.S., creates the Commission on Information Management and charges the commission with assuring continuity in computer technology planning and controlling the state's investment in information systems. Section 19-1-311 (2) (b), C.R.S., requires the commission to submit a Technology Plan to the CIMC. On February 1, 1998, the commission submitted its plan to the CIMC regarding the development of the Children's Information Management System.

Proposed Children's Information Management System

The CIMC identified who would be included in the database, the type of information that would be included in the database, the current operational systems that would supply information into the database, and the state departments and agencies that would have access to the database.

Who will be included on the database? The committee recommends that the database include identifying information on the following individuals:

- dependent and neglected and delinquent children (children for whom petitions have been filed either due to abuse and neglect or their delinquent behavior);
- juveniles with arrest records (includes dependent and neglected and delinquent children, and children who have been arrested by local law enforcement agencies); and
- preadjudicated children in the juvenile justice system (includes dependent and neglected, delinquent children, and juveniles with arrest records), and children for whom the juvenile justice system has decided to delay adjudication or where contingencies have been put in place (e.g., diversion programs).

What information will be included in the database? The CIMC recommends that the database include information that will allow service providers to identify individuals who have received prevention and intervention services pursuant to the Children's Code. The CIMC determined that identifying information about the child would consist of the following:

- name,
- birth date,
- gender,
- identification numbers (social security number, State Identification Module (SIDMOD)),
- ethnicity,
- address, and
- name of parent and/or guardian.

What current operational systems will provide information into the database? The CIMC recommended that information for the integrated computer system be obtained from existing computer systems located in various agencies. The affected computer systems are listed under the appropriate state department that contributes information into the system, followed by the name of the computer system.

Department of Human Services

- Alcohol and Drug Abuse (ADAD, Alcohol and Drug Abuse Division)
- Central Registry (CRCP, Central Registry of Child Protection)
- Child Welfare (CWEST, Child Welfare Eligibility and Services Tracking)
- Developmental Disabilities (CCMS, Community Contract and Management System)
- Direct Assistance (COIN, Client Oriented Information Network)
- Mental Health (HIMS, Health Information Management System)
- Youth Corrections (CICJIS, Colorado Integrated Criminal Justice Information System)
- Division of Youth Corrections Systems

Judicial Department

- Judicial (ICON, Integrated Colorado Online System)

Department of Public Safety

- Public Safety (CBI/CCIC, Colorado Bureau of Investigation, Colorado Crime Information Center)

What agencies will have access to the database? The CIMC determined that access meant sharing and contributing information into the database system. The CIMC

recommended that the following departments and government agencies share and contribute information into the system.

- Corrections,
- Education,
- Health Care Policy and Financing,
- Human Services,
- Judicial,
- Public Health and Environment,
- Public Safety,
- County Departments of Social Services,
- Local Courts,
- Law Enforcement Agencies (including sheriffs' offices), and
- School Districts.

Benefits and Limitations of the Children's Information Management System

The CIMC identified the following as benefits and limitations of the proposed integrated database system.

Sharing information. The proposed system would contain a directory of information that would allow service providers to identify other agencies with whom the child or the child's family have had a contact.

Limitations of the database. The Children's Code Records and Information Act restricts the development of the database to be used as a tracking system for children and families who receive certain services under the Children's Code. However, the Act also requires the State Auditor's Office to conduct programmatic reviews and evaluations of prevention and intervention programs but the State Auditor's Office is not restricted to review and evaluate service provider programs that are under the Children's Code.

The Children's Information Management Committee and the Commission on Information Management believe that the database would be more useful if it contained information that would assist the State Auditor's Office in conducting the programmatic reviews and evaluations of service provider programs.

COMMITTEE FINDINGS

Current Procedures and Barriers to Sharing Information

The CIMC heard testimony from several state agencies. This allowed the committee to identify current information sharing efforts and to discuss barriers that prevent service agencies from sharing information about services that have been provided to a client.

Current procedures for sharing information. Service providers exchange information: 1) to the extent necessary; 2) for the provision and acquisition of services; and 3) on a need-to-know basis. Service providers usually exchange information with other similar service providers if they know the client for whom the agency is making an inquiry. If a client is known to a system and that client is seeking other services from the inquiring agency, the agency that is contacted will provide information that they believe is necessary for the inquiring agency to make an informed decision regarding further treatment or services to be provided to the client.

Barriers to sharing information. Some service agency personnel do not know what information is confidential and what information is public due to confusing federal and state confidentiality laws. Service agency personnel will usually withhold information if they are not sure about the nature of its confidentiality.

In addition, the Department of Human Services reported that service provider agencies do not have compatible databases and that computer systems differ among local service provider agencies. The Department of Education reported that the department and school districts also do not have database systems that will allow them to communicate with each other. The CIMC recommended that the 176 school districts in Colorado have the option to be included in the integrated database system if the cost to install the computers in the school districts is not too costly.

Confidentiality Concerns

In addition to the confidentiality concerns expressed by service agency personnel, the CIMC also heard testimony from representatives of the Departments of Education, Human Services, Corrections, and Public Safety about confidentiality laws which prohibit these departments from contributing certain information into the database system. The CIMC spent several meetings listening to and discussing concerns about confidentiality laws. It was suggested that further study of confidentiality laws be undertaken and that statutory changes may be necessary to specify how the affected entities may be able to participate in the integrated database system.

Department of Education. Representatives from the Colorado Department of Education stated that collecting and reporting certain educational information is not feasible

due to federal confidentiality laws. The federal Family Educational Rights and Privacy Act (FERPA), found in 20 U.S.C. § 1232, requires schools and local education agencies to have written policies that restrict the release of student records. The law protects both paper and computer records and ensures that information collected by schools may be released only for specific and legally defined purposes. FERPA defines educational records as records, documents, and other materials which contain information directly related to a student and which are maintained by an education agency or institution.

Restrictions may also apply to certain records that are considered "non-educational" under FERPA. Under FERPA, directory information maintained by schools is considered "non-educational," however, it is confidential information. Directory information may include a student's name, address, telephone number, place of birth, attendance dates, major field of study, degrees, and previous educational agency.

The Department of Education reported that directory information must be kept confidential and that parents of minors must be notified prior to releasing such information and be given the opportunity to deny the release.

FERPA also prohibits student disciplinary records from being disclosed to outside entities unless there is a court order, parental consent, or the child is in detention awaiting adjudication. Information may be disclosed to other teachers and school officials who have a legitimate educational interest in the behavior of a particular student.

The committee wanted to ensure that the contribution of information by school districts would not violate federal confidentiality laws. The CIMC decided that is important for schools to have access to the database even if confidentiality laws prohibit them from providing information into the system. Concerns were also expressed about schools being able to identify a troubled or a potentially dangerous child so that proper prevention and intervention services could be provided.

Department of Human Services. The Department of Human Services reported that collecting and reporting certain mental health, and alcohol and drug abuse treatment-related information would violate federal and state confidentiality laws. When a federal or state confidentiality law prohibits service providers from disclosing information about certain clients, the agency will not disclose the information and may even deny knowledge of the client. In cases involving treatment for alcohol and drug abuse, federal confidentiality laws prohibit service providers from acknowledging that an individual has ever received treatment or services from them. In addition, Colorado law requires that service providers adhere to the federal laws under which their programs are governed.

Departments of Corrections and Public Safety. The Departments of Corrections and Public Safety reported that criminal and juvenile records contain sensitive information and they do not believe that it is appropriate for their agencies to contribute information into the database. Further, juvenile records are also subject to federal and state confidentiality laws which also prohibit these departments from releasing certain information.

SUMMARY OF RECOMMENDATIONS

As a result of the committee's activities, the CIMC recommended a bill to continue the study to develop an integrated database system and to revise the composition, charge, and reporting requirements of the Planning Team. The proposal was not advanced as an interim committee bill by members of the Legislative Council because the recommendations did not fall within the committee's charge. Following is a summary of the proposed bill.

Summary of Proposed Bill

The committee recommended broadening the Strategic Planning Team's charge by authorizing it to study non-statutory methods to require service providers to share information about children and their families. The committee believed that service providers could exchange non-confidential information and that alternative methods which would not require statutory changes may be available which would allow service agencies to share information about children and families.

At the same time, the committee also recommended that representatives of the Department of Local Affairs, the State Auditor's Office, and three local providers of children and family services be added to the Strategic Planning Team. The Strategic Planning Team would then be required to submit periodic reports to the Children's Information Management Committee, legislative leadership, the Governor, and the Chief Justice regarding its progress, findings, and recommendations.

The committee also recommended changing the composition of the CIMC to allow members of the House and Senate Health, Environment, Welfare, and Institutions Committees to be considered for appointment to the committee. The current membership of the Children's Information Management Committee consists of members of the Joint Budget Committee, and three members each from the House and Senate Judiciary Committees. This recommendation was made because the State Auditor's Office is required to report to the HEWI, Judiciary, and Joint Budget Committees concerning the programmatic reviews and evaluations of service providers. Under the proposed bill, the Children's Information Management Committee was to propose legislation to establish policy, responsible agencies, and funding by 2001, and be repealed on July 1, 2002.

MATERIALS AVAILABLE

The materials listed below are available upon request from the Legislative Council staff.

| Meeting Summaries | Topics Discussed |
|--------------------------|---|
| August 28, 1997 | Discussion of plans for a centralized integrated database system relating to children and families who receive state- and local-funded prevention and intervention services; the proposed contents of the database; concerns about confidentiality and consent; and restrictions regarding the release of certain education and medical information. |
| September 15, 1997 | Discussion of recommendations by the Uniform Assessments and Performance-Based Standards Subcommittee (of the Task Force to Study the Recodification of the Children's Code); discussion of the need for a Children's Information Management system to track children and families who receive services; and overview of policy options and decision items. |
| September 23, 1997 | Discussion of content and limitations of agencies' existing computer systems; discussion of policy options; and the committee's final decision regarding the contents of the information management system. |
| November 21, 1997 | Discussion and overview of the revised plan for a Children's Information Management System, based on the Committee's recommendations to the Strategic Planning Team. |
| August 25, 1998 | Discussion of recommendations made by the Commission on Information Management regarding the development of the Children's Information Management System. |
| September 17, 1998 | Further discussion of recommendations made by the Commission on Information Management and the Strategic Planning Team. |
| October 1, 1998 | Discussion of the proposed bill to continue the study to develop a Children's Information Management System, revise the composition of the Children's Information Management Committee and the Strategic Planning Team, |

broaden the scope of the Strategic Planning Team's charge, and require the Strategic Planning Team to report its progress, findings, and recommendations to the Children's Information Management Committee, legislative leadership, the Governor, and the Chief Justice.

Memoranda and Reports

Legislative Council Reports

Committee on Youth Violence. Legislative Council Research Publication No. 386, December 1993.

Legislative Oversight Committee for the Recodification of the Colorado Children's Code. Legislative Council Research Publication No. 412, November 1995.

House Bill 96-1017: Recommendations to the Strategic Planning Team Regarding the Business Plan for the Development of a Children's Information Management System, Children's Information Management Committee, October 1, 1997. *(These recommendations are contained in this publication under the section titled "Proposed Children's Information Management System.")*

Reports provided to the committee:

Children's Information System Strategic Business Plan, Colorado Department of Human Services, August 1, 1997.

Revised Children's Information System Strategic Business Plan, Colorado Department of Human Services, October 15, 1997.

Response to House Bill 96-1017: Information Technology Plan for a Children's Information System, Commission on Information Management, February 1, 1998.

Other Reports

Task Force for the Recodification of the Children's Code. Office of Legislative Legal Services. September 1995.

Prevention and Intervention Programs for Children and Families: Recommendations for House Bill 96-1017 Audits. Colorado State Auditor's Office. January 3, 1997.

Report to the Task Force for the Recodification of the Colorado Children's Code from the Subcommittee on Performance-Based Standards for Service Providers, June 8, 1995.

Report to the Task Force for the Recodification of the Children's Code from the Single, Uniform Assessment Instrument Subcommittee, 1995.