



Idaho Council on Children's Mental Health Legislative Update 2005

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The Idaho Council on Children's Mental Health

Governor Kempthorne established the Idaho Council on Children's Mental Health (ICCMH) in 2001. Lt. Governor James Risch presides over appointed members from the Governor's office, child-serving agencies, legislature, parents, children's mental health councils, and other community organizations.

The ICCMH supports system of care development in Idaho. The ICCMH encourages all child-serving agencies and organizations to meet high standards of care. This includes standards for family involvement and service delivery. In addition, the ICCMH governs the federal cooperative agreement, "Building on Each Other's Strengths," a project to support system of care development.

What happens in a system of care?

Services and support are pulled together to help parents of a child with SED develop an effective care plan – with the assistance of individuals chosen by the family – that is tailored to the needs of the child in their own community.

Consistent Care for Families

Council chairpersons reviewed business practices across councils. The result is a draft plan addressing challenges faced in helping families. Areas identified in the plan include service planning, service coordination, and case documentation. The ICCMH approved the plan, with service coordination as a top priority.

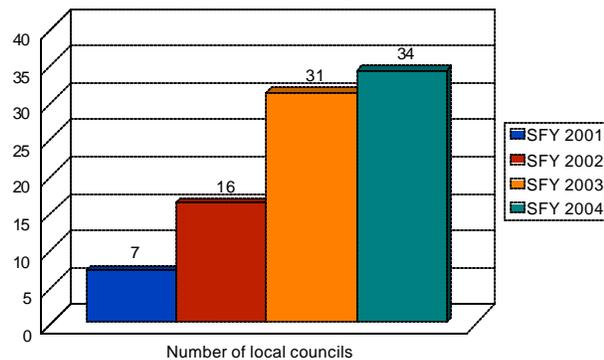


Families affected by SED often receive services from many agencies. Proposed council service coordinators can

help families mesh multiple service plans into one comprehensive plan.

Responsibility for service coordination in councils is often assumed by the referring agency or community partner. This can be frustrating for agency or community members who have other responsibilities, and families who don't know where to turn.

Number of local councils



What are children's mental health councils?

Local councils work with families affected by SED to make decisions, pull together services and community support. This reduces the negative impact of mental health disorders.

Councils are a result of partnerships between various agencies and community organizations, serving more than **100** families in 2004. The number of councils has increased from **31** to **34** in the past year.

What is SED?

A serious emotional disturbance describes a range of mental health disorders severe enough to limit a child's functioning at home, school, and in the community.

Jim's Story

At age 11, Jim* was tired of school. His class-

mates bullied him; he was depressed, and begged his father to let him stay home. Diagnosed with Attention Deficit Hyperactivity Disorder, he was in special education classes.

Jim's father, Chuck*, didn't know what to do. An agency representative suggested Chuck and Jim visit a local children's mental health council. The council met with father and son to develop a plan based on their family strengths. Part of the plan for Jim included counseling — and karate lessons. The council provided transportation.

Jim and Chuck are doing well as a family now. Jim is a new person, his comprehensive plan has improved his self-esteem, he makes eye contact with teachers and he is enthusiastic about school.
**names changed*

Agency collaboration

The departments of Juvenile Corrections and Health and Welfare are using the same assessment tool to identify children with SED. This helps children as they transition back into the community.

The departments of Education and Health and Welfare are improving school-based mental health services. Both agencies are working together to plan a consistent model of mental health services for children with SED.

Excerpts from the 2004 Community Report Department of Health and Welfare

Health and Welfare provides assessments, case management, outpatient services, therapeutic foster care, residential care, respite care, day treatment, inpatient hospital services, crisis response, and family supports to children with SED. The number of children served has increased since 2001 for each service.

Department of Education

According to the December 2003 child count, 1,167 students were identified as emotionally disturbed (ED), compared to 935 in 2002. Increased numbers are due to federal requirements for individualized educational plans, an increase in awareness of SED, and more training for educators.

Department of Juvenile Corrections

The Idaho Department of Juvenile Corrections (DJC) serves youth committed under the Juvenile Corrections Act, for care, control and competency development of juvenile offenders. An average of 130 youth in DJC custody was identified as SED, consistent with 2003.

Helping All Children

The ICCMH authorized development of the Tribal Coordinating Council in August 2004. The mission of the council is to develop culturally appropriate help for Indian children and families affected by SED using a system of care approach.

Status on Jeff D. lawsuit

The U.S. Supreme Court overturned a Fifth Circuit case similar to Jeff D. in January 2004, finding that a State, through its officials, could be held to the terms of a consent decree (agreement). Since the State entered into the agreement voluntarily, the Court found that it was not protected by the Eleventh Amendment. Additionally, the Court found that a consent decree could be enforced against a state, regardless to whether there is a continuing violation of a federal statute or law or not. The Court outlined a State's recourse as the ability to seek a modification of the decree as allowed by Federal rules.

Shortly after the U.S. Supreme Court entered the above decision, the Ninth Circuit denied the State of Idaho's appeal in this case. The State has requested a compliance hearing. Plaintiffs asked that the State be found in contempt and that the court appoint a Special Master. The U.S. District Court decided to appoint a neutral expert witness, at the States' expense, to aid the court in determining compliance. Both parties submitted names of potential witnesses, briefed the issues, and are awaiting a decision. Meanwhile, the State continues to develop a statewide system of care for children affected by SED.

For more information on the ICCMH and the Community Report, visit:

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