

**REPORT TO THE JUDICIARY COMMITTEES  
SENATE AND HOUSE OF REPRESENTATIVES**



**June 30, 2003**

**Submitted to  
Colorado General Assembly  
by  
Colorado Department of Public Safety  
Division of Criminal Justice  
Sex Offender Management Board**

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## **INTRODUCTION**

The Office of Domestic Violence and Sex Offender Management, Colorado Department of Public Safety, and the Sex Offender Management Board submit this report pursuant to Section 16-11.7-103 (h) (i), C.R.S.:

(h) “Prior to July 1, 2003, the board shall develop and implement a system by which progress and success in treatment of juvenile sex offenders may be measured.

(i) “The board shall research and analyze the effectiveness of the evaluation, identification, and treatment procedures and programs developed pursuant to this article for juvenile sex offenders. The board shall also develop and prescribe a system for implementation of the guidelines and standards developed pursuant to paragraph (f) of this subsection (4) and for tracking juvenile sex offenders who have been subjected to the evaluation, identification, and treatment pursuant to this article. In addition, the board shall develop a system for monitoring offender behaviors and offender adherence to prescribed behavioral changes. The results of such tracking and behavioral monitoring shall be a part of any analysis made pursuant to this paragraph (i).” The requirements of this article include the following:

1. Develop and prescribe a system for implementation of the Juvenile Standards and Guidelines.
2. Develop and prescribe a system for tracking juvenile sex offenders who have been evaluated and treated.
3. Develop a system for monitoring offender behavior and adherence to prescribed behavioral changes.

This report is intended to provide the Colorado General Assembly with information on the first year of implementation of the Juvenile Standards as well as the system that will be utilized to research and analyze the effectiveness of the identification, evaluation, and the supervision procedures of juveniles who have committed sexual offenses. Due to the current economic situation, the fiscal impact of the Juvenile Standards, and the typical adjustment period of months to years for full implementation of any new criminal justice program, we do not expect to have full implementation of the Juvenile Standards for several years.

## **SECTION 1 ASSUMPTIONS**

In response to 16-11.7-103 (g), C.R.S., the Sex Offender Management Board developed a set of standards and guidelines for the evaluation, assessment, treatment and supervision of juveniles who have committed sexual offenses (see Appendix A). The following assumptions were made in the development of these Juvenile Standards:

- All unlawful or abusive sexual behavior poses a risk to the community.
- Intervention for juveniles who commit sexual offenses must prioritize the physical and psychological safety of victims and potential victims.
- Intervention for juveniles who commit sexual offenses is appropriate for particular juvenile offenders, as long as there is no reduction of the safety of victims and potential victims.
- Programs for the treatment of juveniles who commit sexual offenses will be as flexible as possible so that each juvenile offender's treatment can be utilized to prevent him or her from harming victims and potential victims.
- Programs for the treatment of juveniles who commit sexual offenses will be structured to provide a continuous monitoring process as well as a continuum of treatment programs, when possible.
- Programs for the treatment of juveniles who commit sexual offenses may include, but will not be limited to, group counseling, individual counseling, family therapy, out-patient treatment, in-patient treatment, or treatment in a therapeutic community, and includes treatment in the Department of Youth Corrections settings.
- Due to developmental and contextual considerations, the identification of individual differences among juveniles who commit sexual offenses is considered an accurate method for identifying risk. Better risk assessments support the goal of victim and community safety.

- Each juvenile, to whom the Standards apply, will have an individualized evaluation from which a comprehensive treatment and supervision plan will be developed.

## **SECTION 2 IMPLEMENTATION**

The Sex Offender Management Board (SOMB) formally approved the *Standards and Guidelines for the Evaluation, Assessment, Treatment, and Supervision of Juveniles Who Have Committed Sexual Offenses* on June 14, 2002. Preceding this approval, a public hearing in the form of a statewide videoconference was convened in Denver on May 8, 2002, at the Lowry Redevelopment Site conference center with satellite sites located in Pueblo, Greeley, Durango, and Grand Junction. The purpose of the public hearing was for the SOMB to elicit comments from the Colorado community on the draft report of the *Standards and Guidelines for the Evaluation, Assessment, Treatment, and Supervision of Juveniles Who Have Committed Sexual Offenses*. The format of the videoconference was a public forum whereby participants responded to the proposed standards on a section-by-section basis. Over 100 persons representing sex offender treatment providers, victim advocates, Division of Youth Corrections, Department of Human Services, District Attorneys, Judicial Department, other professionals and members of the community were present at the sites. At the May 10, 2002, SOMB meeting, all public comments were reviewed and thoroughly discussed. Subsequent content changes were made to the document as a result of these discussions.

### FISCAL IMPACT

The most common feedback from the public hearing was related to the issue of the cost of fully implementing the Juvenile Standards. Examples of the feedback received include:

#### *TREATMENT COSTS*

- We have a sex offender program and are having a problem getting kids moved/place out of treatment with no resources. This issue needs to be part of a legislative agenda to provide these resources. Treatment costs are not there to meet those needs.
- It is impossible to site step-down facilities; there needs to be Legislative funding.
- The cost of implementation is a concern with rules required. The Standards ask for more data and testing and less staff leeway and caseworker judgment, but no resources.
- There is a shortfall in the number of residential beds and we must send the kids out of state to facilities that clearly below the Standards. The Standards will push the balloon into the DYC.

### *STAFF TRAINING COSTS*

- Suggest the Board take into account the shortage of out of home placement resources and that implementation of the Standards be given financial assistance. Would like to see the Board to allow phases over three years to get staff, training, and restructuring into place. I believe this would allow the Legislature to assist with resources and allow agencies to explore additional funding.
- I support the Standards but have concern for their fiscal impact. I believe we will see a shortage of new providers because many won't want to go through this process to be a provider. I also believe that implementation of the Standards will generate more competition for resources, which will drive increased costs.
- There will be significant fiscal impact from sections 3 and 4.

### *GENERAL COSTS*

- Fiscal needs are attached to this that cannot be afforded—who is going to pay for them?
- We have calculated the cost of the Standards requirements which amount to \$400,000 in our agency alone. There is a huge liability if these Standards are in place without the resources to carry them out.
- The last sections of the Standards eliminates our ability to design systems to use local resources creatively to meet needs.
- Denver county cannot assume the cost of implementing these Standards, training staff, additional polygraphs, etc.
- The quality of the Standards is good, however, fiscal problems are still there. What is good for Denver is not necessarily good for the outlying areas.
- We are concerned with fiscal impact; we expect compliance with the Standards to cost \$221,000 in our agency.

### IMPLEMENTATION PLAN 02/03

To address the fiscal challenges identified during the public hearing, the SOMB created an action plan for the implementation of these Standards. This plan was approved on July 19, 2002 and is included in Appendix B. A summary is below:

- From July 1, 2002 – June 30, 2003, agencies and providers follow the Standards on a “do what you can within existing resources” basis. Since the Standards represent best practices and many communities are in compliance with some, if not most, of the Standards, communities should

focus on continuing to implement the Standards and discuss ways that the Standards can be implemented.

- Beginning July 1, 2003, an assessment will be made determining which Standards agencies and providers are not able to meet due to fiscal costs.
- The SOMB developed a fiscal work group to bring together representatives from Colorado state and local agencies, private providers, and other stakeholders who are involved in the supervision and treatment of juveniles who commit sexual offenses. This group:
  - Reviewed the current costs of providing services to juveniles who commit sexual offenses
  - Anticipated costs associated with the implementation of the Standards
  - Discussed options to obtain additional funding
  - Made recommendations to the SOMB regarding the implementation of the Juveniles Standards for the 2003/2004 fiscal year (see Appendix B)
- The SOMB will continue listing providers and programs on the approved provider list with the first list being published in the summer of 2003. Providers/programs are being asked to implement the Standards to the best of their ability. No complaints against providers/programs can be filed with the SOMB. A process for addressing egregious behavior by a listed provider is in place.
- Providers, probation officers and other members of the multidisciplinary team who are responsible for implementing the Standards will be asked to document areas where the Standards cannot be implemented due to fiscal concerns. The methodology for information gathering will be part of the evaluation process which the Research Committee will be developing. (It may include focus groups, phone surveys, etc.)

The SOMB began its implementation of the Juvenile Standards in July, 2002 by distributing the Juvenile Standards, along with the implementation plan, to a statewide mailing list of over 1,000 stakeholders.

#### TRAINING

The Division of Criminal Justice and Sex Offender Management Board and the Department of Human Services provided eight (8), two-day (16 hours) trainings throughout the state of Colorado on the effective

management of juveniles who have committed sexual offenses. This training provided both a national and local perspective on the treatment and management of juveniles who commit sexual offenses as well as an overview of the juvenile standards. The training was provided at no cost to the participants. Participants of the training were asked to provide feedback on the quality of the training. A listing of the training locations and a brief description of the attendees follows.

Table 1 illustrates training information:

<b>LOCATION OF TRAINING</b>	<b>DATES OF TRAINING (2002)</b>	<b>TOTAL IN ATTENDANCE</b>	<b>PARTICIPANTS (WHO TURNED IN EVALUATIONS)</b>	<b>OVERALL RATING OF TRAINING <i>Scale 1 – 5 (1=poor and 5=excellent)</i></b>
Arapahoe County	August 22-23	103	Treatment Provider – 56% Caseworker/DHS/SS – 16% Corrections/DYC – 6% Victim Therapist – 6% Educator – 3% Probation Officer – 3% Polygrapher – 2% District Attorney – 2% Juvenile diversion – 2% Juvenile Parole Board – 2% Foster Parent – 1% DD Advocate – 1% Private Attorney – 1% Family Advocate – 1% RN @ Agency – 1% GAL – 1%	3.6



<b>LOCATION OF TRAINING</b>	<b>DATES OF TRAINING (2002)</b>	<b>TOTAL IN ATTENDANCE</b>	<b>PARTICIPANTS (WHO TURNED IN EVALUATIONS)</b>	<b>OVERALL RATING OF TRAINING <i>Scale 1 – 5 (1=poor and 5=excellent)</i></b>
Greeley/Fort Collins	September 5-6	44	Treatment Provider – 34% Corrections/DYC – 32% Caseworker/DHS/SS – 16% Victim Therapist – 11% Probation Officer – 8% Judge/magistrate – 3% Informed Supervisor – 3%	3.6
Durango	September 26-27	25	Treatment Provider – 43% Caseworker/DHS/SS – 19% Victim Therapist – 14% Probation Officer – 14% GAL – 4%	3.9
Grand Junction	October 3-4	52	Treatment Provider – 36% Corrections/DYC – 22% Caseworker/DHS/SS – 18% Parole officer – 10% Victim Therapist – 6% Administrative Reviewer – 4% Educator – 4% Foster Parent – 2% Informed Supervisor – 2%	4.0
Summit County	October 10-11	15	Treatment Provider – 55% Victim Therapist – 27% Probation Officer – 18% Educator – 18% Caseworker/DHS/SS – 9%	5.0
Denver Metro Area	October 24-25	83	Treatment Provider - 35% Administrative Reviewer – 22% Caseworker/DHS/SS – 15% Corrections/DYC – 10% Educator – 6% Probation Officer – 4% Victim Therapist – 1% Judge/magistrate – 1% Private Attorney – 1% Childcare worker – 1%	3.9

<b>LOCATION OF TRAINING</b>	<b>DATES OF TRAINING (2002)</b>	<b>TOTAL IN ATTENDANCE</b>	<b>PARTICIPANTS (WHO TURNED IN EVALUATIONS)</b>	<b>OVERALL RATING OF TRAINING <i>Scale 1 – 5 (1=poor and 5=excellent)</i></b>
Pueblo	November 7-8	99	Treatment Provider – 35% Caseworker/DHS/SS – 21% Corrections/DYC – 20% Probation Officer – 9% Victim Therapist – 6% Foster Parent – 4% Educator – 4% Childcare worker – 1%	3.4
Colorado Springs	November 19-20	68	Corrections/DYC – 29% Caseworker/DHS/SS – 27% Treatment Provider – 25% GAL – 4% Victim Therapist – 2% Educator – 2% Administrative Reviewer – 2%	3.7

In December of 2002, a technical assistance plan was developed to provide more specialized trainings to interested parties. Approximately nine (9) of these technical assistance trainings have been provided throughout the state between January and May of 2003. Over two hundred (200) people have received training on a variety of topics and six more trainings are scheduled for June, 2003.

#### IMPLEMENTATION PLAN 03/04

Due to the current economic situation in the state and the fiscal impact the Standards have on various agencies, the SOMB approved a similar implementation plan for fiscal year 2003/2004 that was approved in fiscal year 2002/2003 (see Appendix C). In addition, the SOMB has suggested a focus on community/victim safety, effective supervision, management, and treatment, and impact of care. The SOMB has outlined the following activities to facilitate this focus for fiscal year 2003/2004:

- The SOMB will continue listing treatment providers and programs for the Juvenile Standards provider list. Treatment providers will be allowed to apply under the compliance section which allows one year to get into compliance with the Standards with regard to training and clinical hours. Providers/programs can be filed with the SOMB. A process for addressing egregious behavior by a listed provider will be addressed by the Application Review Committee.

- Juvenile Standards will continue to be made available either in written or electronic form and will be disbursed to interested parties throughout the state. Professionals who work with juveniles who commit sexual offenses are strongly encouraged to obtain a working knowledge of these Standards and Guidelines.
- Training will continue to be provided by the Division of Criminal Justice and the University of Denver at no cost to the participants. This training will qualify for Juvenile Standards training hours for professionals in the field. Other programs and providers are also offering training on juvenile offenders who commit sexual offenses. When information is submitted, these trainings will be listed on the Division of Criminal Justice – Sex Offender Management Board website.
- When polygraph examinations are being utilized, the Standards and upcoming Appendix should be followed.
- Guidelines should be developed for Colorado school districts that are consistent with the Standards. A School Resource Committee has been formed and is projecting a product in late Fall.
- Informed supervisors should be utilized for juveniles who commit sexual offenses. Use of Appendix A1, A2, and Appendix B is strongly encouraged.
- Use of multidisciplinary teams when working with juveniles should be utilized whenever possible. Communication must occur among agencies and people involved with juveniles who commit sexual offenses regardless of the Standards. The Multidisciplinary Team is considered the best means of communication and is considered a high priority for implementation.
- Any treatment provider who applied to be on the Approved Provider List should be following best practices as outlined in the Standards of Practice.
- Pre-sentence reports are an important part of the implementation of the Juvenile Standards and provide the foundation for future treatment and management.

In June of 2004, the SOMB will decide on an implementation plan for the following year.

### **SECTION 3**

#### **TRACKING**

The Colorado Integrated Criminal Justice Information System (CICJIS) was created as an integrated computer information system to link five state-level criminal justice agencies: Colorado Bureau of Investigation, Colorado District Attorney's Council, Colorado Judicial Branch, Colorado Department of Corrections, and the Colorado Department of Human Services, Division of Youth Corrections. Ideally, this system will track offenders through the criminal justice system from arrest and prosecution to adjudication, criminal justice supervision and incarceration. In addition, the Judicial Department's case management database system (ICON) along with the Department of Human Services, Division of Youth Corrections and Division of Child Welfare's tracking database system (TRAILS) provide a system for identifying and following juveniles who have committed sexual offenses through the system who fall under these Juvenile Standards.

### **SECTION 4**

#### **MONITORING**

The system for monitoring offender behaviors and adherence to prescribed behavior changes has been addressed throughout the Juvenile Standards. The creation of the multidisciplinary team (MDT) ensures quarterly meetings with all professionals involved in a juvenile's case (the supervising officer, victim representative, treatment provider, case worker, polygraph examiner, etc.). MDT meetings are used as a process to update each other on the juvenile's progress, concerns that need to be addressed, and to create action plans that address these issues.

Section 3.151 of the Juvenile Standards detail the behavioral outcomes and goals which are expected from the juvenile offenders in order to advance in treatment and supervision. To obtain, keep track of, and document offenders' progress in obtaining treatment goals, a Treatment Outcome Summary Form (see Appendix D) has been developed for treatment providers' use.

The Treatment Outcome Summary Form will be filled out no less than quarterly and will be a part of the treatment file for each juvenile offender. This form will be piloted for one year by 3 –4 treatment providers who are in compliance with the Juvenile Standards. During this time period, any concerns or problem areas with using this form will be documented and changes to the form will be made.

Additionally, a handbook which defines the variables and provides instructions on completing the form will be developed. Training on use of the form will also be available. Following this test period, the form will be revised as necessary, and each approved treatment provider will be required to use this form.

Once this form is in full use, the behaviors of juveniles who have committed sexual offenses will be documented in a standardized way. The SOMB Research committee will conduct treatment file reviews, while retaining confidentiality, to collect information from these documents and then conduct analyses on several variables to measure progress and success. Some of these analyses will include the rate of progress (how quickly juveniles reach their goals) and frequency of successfully obtaining goals (how many juveniles can successfully obtain these goals).

These monitoring components of offender behavior are designed to strengthen the community supervision and treatment model. Additionally, the juvenile's treatment plan is utilized to monitor adherence to prescribed behavior changes. The treatment provider submits monthly reports on progress in treatment to the appropriate juvenile justice supervision agency. A juvenile's non-compliance with the treatment plan is expected to prompt the development of an action plan designed to strengthen supervision and compliance. The final discharge status is based on the juvenile's adherence to prescribed behavior changes in the treatment plan.

## **SECTION 5**

### **EFFECTIVENESS OF THE IDENTIFICATION, EVALUATION, AND TREATMENT PROCEDURES**

The SOMB Research committee developed a system to measure the implementation and effectiveness of the *Standards and Guidelines For the Evaluation, Assessment, Treatment and Supervision of Juveniles Who Have Committed Sexual Offenses*. Specifically, implementation will be addressed by analyzing data collected to address the following questions:

- To what degree were the Standards applied to each juvenile who has committed a sexual offense and fell under the purview of these Standards?
- To what degree did criminal justice agencies and agencies that work with this population follow the Standards in the treatment of juveniles who have committed sexual offenses?

- To what degree were evaluators, therapists, and polygraph examiners able to comply with the Standards?
- If any of the above mentioned groups were unable to follow or fulfill the Standards, was there proper documentation that outlined the reasons?

Effectiveness will be measured by analyzing whether the Standards meet their goals of:

- Having each juvenile, to whom the Standards apply, receive an individualized evaluation from which a comprehensive treatment and supervision plan was developed;
- Using appropriate interventions for each juvenile who commits sexual offenses;
- Empowering the multidisciplinary team (MDT) to have discretionary influence over the course of treatment and management;
- Decreasing juveniles' risks of further sexual offending and other risks that might jeopardize both individual and community safety;
- Being successful at pro-social functioning; and
- Increasing public safety, specifically the safety of victims and potential victims.

In order to measure implementation and effectiveness, we will track and monitor a sample of cases. This process entails several steps, as outlined below.

1. Conduct a survey with all the attendees of the two-day Juvenile Standards training (see Appendix E). This survey will obtain data on what attendees are currently practicing, how they feel they would be impacted by the Juvenile Standards, and any changes, both positive and negative, they foresee in the future due to the implementation of the Standards. This survey was conducted in March, 2002. See Appendix F for a summary of this survey.
2. Determine the number of juveniles who have committed sexual offenses by using both the Judicial Department's tracking database and Department of Human Service's tracking

database. From this population, two smaller samples will be selected to examine and monitor offender's behaviors and the multidisciplinary team's adherence to the Standards.

- a. The first sample that will be selected will be from a year prior to the implementation of the Juvenile Standards. This sample will be referred to as the "pre-Standards sample", and will include deferred, adjudicated, and those with underlying factual basis offenses.
- b. The second sample that will be selected will be from a year after the implementation of the Juvenile Standards. Because the Juvenile Standards are currently on a "do what you can within existing resources" implementation plan, this process will wait until full implementation. This sample will be referred to as the "post-Standards sample", and will include any juvenile who falls under the purview of these Standards.

Using both a pre-Standards sample and a post-Standards sample will allow for any differences in offender behavior that are due to the Standards.

3. Conduct file reviews, using treatment, probation, and DHS files, to determine the degree of implementation of the Juvenile Standards, as well as the effectiveness of the evaluation and supervision. These file reviews will examine numerous variables, including:
  - a. Implementation variables
    - i. Was a Pre-Sentence Investigation (PSI) report conducted?
    - ii. What did the PSI report contain?
    - iii. If community supervision was recommended, was it for an initial period of 2 years?
    - iv. What evaluation/assessment method was used at various stages, including: pre-trial, pre-sentence, ongoing needs assessment, release/termination, follow-up monitoring?
    - v. How often was the treatment plan revised?
    - vi. Was a combination of individual, group, and family therapy used?
    - vii. Was there proper documentation (evaluations, assessments, treatment plans, clarification, impediments to success, non-compliance, availability of family/support, registration information)?
    - viii. Were signed waivers of confidentiality obtained?
    - ix. How was successful completion, discharge, or termination of treatment decided on?
    - x. When did the MDT first convene?
    - xi. Who are the members of the MDT?

- xii. How often did the MDT meet or discuss the case?
- xiii. Were the meetings typically in person, over the phone, via email?
- xiv. Was there documentation regarding the type of polygraph testing used, frequency of testing, and the use of the results of the polygraph in the file?
- xv. Were victim clarification procedures approved by the MDT? If yes, what criteria were used?
- xvi. Did contact follow clarification? Was it approved by the MDT? Was the victim's therapist, advocate, guardian involved in the decision?
- xvii. Did the MDT approve family reunification? Did it occur after clarification? Was there continuing monitoring by the MDT after reunification?

b. Effectiveness variables

- i. Was there improvement in the juvenile's dynamic functioning? [This data will be collected from the Treatment Outcome Summary Forms.]
- ii. Number of out-of-home placements
- iii. Length of time in out-of-home placements
- iv. Length of criminal justice supervision
- v. Recidivism rate

4. In addition, focus groups will be conducted with members of the MDT to further understand implementation challenges and adherences.

The components of the SOMB research design address the development of systems for implementing the Standards, for tracking offenders who have been evaluated and treated, and for monitoring offender behavior. The data and the results from this research will be utilized by the SOMB to further inform and provide a partial basis for any revisions to the Standards that will enhance victim and community safety and juvenile supervision and treatment.



## **SECTION 6**

### **SUMMARY**

The Sex Offender Management Board (SOMB) has addressed all of the mandates outlined in the statute that created the Juvenile Standards. However, the SOMB and its juvenile programs are still in the initial stages of implementation. Due to the current economic situation, the fiscal impact of the Juvenile Standards, and the typical adjustment period of months to years for full implementation of any new criminal justice program, we do not expect to have full implementation of the Juvenile Standards for several years. Additionally, due to lack of funding there is no fiscal support to carry out this research at this time. The Division of Criminal Justice will compete for federal grants to pursue this research project.

The SOMB continues to evaluate and improve the process for treating juvenile sex offenders in Colorado. While there has been some resistance to the implementation of the Standards due to fiscal concerns, there has also been widespread support. There have been hundreds of inquiries from providers, judicial officers, case workers, and probation officers requesting information or technical support regarding the Standards. Feedback has been very positive from these stakeholders regarding the Standards and the technical assistance provided. There has been and continues to be participation from various professionals in the juvenile sex offender arena at SOMB monthly meetings and committee meetings. The statewide trainings on the Juvenile Standards were very well received, with a total attendance of over 600 participants. Feedback from these trainings was positive.

The Standards exist as best practice guidelines for the treatment of juveniles who have committed sexual offenses, to ensure a focus on victim safety and to establish a minimum level of accountability for treatment providers. Developing a successful system for management and treatment of this population requires close coordination among treatment providers, victim services, the local community, and the criminal justice system. A guiding philosophy of the Standards is that juvenile offenders are capable of change. It is important to remember that treatment is only one component of Colorado's supervision and management of juveniles who commit sexual offenses. The SOMB continues to expand and enhance these practices and its coordination with other professionals who impact this system. The primary way of enhancing these practices is by conducting research on the effectiveness of these Standards and utilizing the results.