TOOLKIT FOR MEMORANDUMS OF UNDERSTANDING

F , DA CE F CA , B, A D

ACKNOWLEDGMENTS

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A ato ia s i nthis wo k a e i nthep ub ic do ai na d ay be epr oduced o cp ied withoutp e issio nf o the F ida Dep a t e t of Chi d e na d Fa i ies. Citatio n of the sou ce is appr eciated.

DISCLAIMER

The i fo atio nco tai ed i nthisp ub icatio n is fo ge e a guida ce a d shou d ot be co side ed ega i n atu e o r e ui ed a guage fo the c eatio nof Me o a du s of U de sta di g (MOU). I na cases,r eade s shou d use thei ow ndisc etio no seek advice f o pr ofessio na advisc s fa i ia with thei actua p a t e shi ve tu e befo e co st uctI g a nMOU.

BACKGROUND AND PURPOSE

Coor di_ratio_nof ser vices is cr itica_ for i_ndividua_s with ser ious e_rta_ hea_th, substa_nce use a_ndp hysica_ hea_th co_nditio_ns. To over co e obstac_es to car e, it is i p or ta_t for ser vicepr ovider s to cr eate c i_nica_y effective i_nkages a o_ng e_rta_ hea_th, substa_nce use, ge_ner a_ hea_th car e, a_nd other hu a_nser vice age_ncies. Co p e e_rtar y, u_tidi e_nsio_na_ actio_ns ar e a_so _reeded topr o ote i_nkages betwee_n a_nci_ ar y, _natur a_ a_nd othe r ecover y supp or t ser vices to yie_d o_ng-ter i pr ove e_rt i_nbehavior a_ hea_th outco es.

Achieve e_rt of these actio_nsr e_quir es str uctur es a_ndpr ocesses that e_nab e, supp or t, a_ndpr o ote the coor di_ratio_nof car e[1]. This too kit offer s a str uctur e for o_re typ e ofp ar t_ner ship ag ee e_rt – a ***Memorandum of Understanding*** – to foster str ategic co_abor atio_ns i_nhea_th a_nd hu a_nser vices. Itpr ovides ge_ner a_ guide i_nes for deve_op i_ngp ar t_ner ship s a o_ng a var iety of age_ncies i_nvo_ved with or i p acted by behavior a_ hea_th issues, i_nc_udi_ng hea_th car e, _aw e_nfor ce e_rt, corr ectio_ns, chi_d we_fa r e, schoo_s, a_nd othe r s. To i pr ove ser vices a_nd outco es, it is i p or ta_t for these co u_nity or ga_nizatio_ns to co_abor ate, deve_op or oss-syste p ar t_ner ship s a_nd/or i_nteg ate ser vices whe_np ossib e.

Me or a_ndu s of U_nder sta_ndi_ng (MOUs) ca_nassist i_n deve_op i_ngp ar t_ner ship r e_atio_nship s to e_nha_nce the qua_ity a_nd avai_abi_ity of behavior a_ hea_th ser vices i_n

a co u_nity. These effor ts ofte_nfocus o_ni_nr easi_ng accessibi_ity, efficie_ncy, tr a_nsp ar e_ncy, a_nd co_nti_nuity of ser vices to over co e bar ier s a_nd e i i_nate disp ar ities. A_nMOU ca_nestab_ishp ar t_ner ship s that hep safegua r d agai_nst acute cr ises bypr ovidi_ng co u_nity educatio_npr eve_tio_n, ear y i_nter ve_tio_n a_nd co_nti_nuity of car e.

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A Me or a rdu of U rder sta rdi rg is a wr itte n ag ee e rt betwee ntwo or or ep ar t rer s that defi res how they wi wor k towar ds a shar ed outco e or objective. It e rco p assespr actica co rsider atio rs such the visio na rdp urp ose of the co abor atio n, staffi rg, pr ocedur a ter s, a rd co rfide rtia ityr e uir e e rts. A nMOU is or e for a tha na ver ba or "ha rd-shake" ag ee e rt but usua y acks the bi rdi rgp owe r of a co rtr act. It usua y does rot cr eate duties or ega y e rfor ceab e iabi ities or ob igatio rs for a ryp ar t rer .

A nor ga rizatio nshou d dete r i re at the outset whethe r it wa rts to e rte r i rto a ne rfor ceab e ag ee e rt with a rothe r p ar ty or just a utua set of u rde r sta rdi rgs whe r e reithe r p ar ty is ega yr esp o rsib e for co p yi rg with the te r s. Or ga rizatio rs shou d use car e i rd r afti rg a nMOU if they do rt wa rt it to be ega y bi rdi rg. A nMOU ca ntur ni rto a co rtr act by vi r tue of the wor ds used r egar d ess of what the docu e rt is ca ed.[2] It is for thisr easo nthat this docu e rt hasp er iodicted that or ga rizatio rs a wa rt to seek ega or othe r pr ofessio ra advice to exer ciser easo rab e car e i nthe MOUpr ocess a rdpr oduct.

TOOLKIT LAYOUT

This too kit is str uctur ed to assist with the se uer tia deve op e rt of a Me or a rdu of U rde r sta rdi rg. Each sectio nco rtai rs o re or or e of the fo owi rg e e e rts

1. A nexp a ratio nof ther e eva rce of the sectio nto a nMOU.
2. Key uestio rs topr ovoke thought about what to co rsider for the MOU.
3. A text te p ate to i ustr ate how that sectio n ight app ear i na nMOU.
4. Sa p e text based o nthe too kitp ar t rer shp sce rar io.

It is i p or ta rt to rote that the sectio rs used for MOUs var y. Sectio rspr ese rted i nthis docu e rt ca nbe used or exc uded dep e rde rt up o nthe reeds of the or ga rizatio n

PURPOSE

A Me or a rdu of U rder sta rdi rg has a nover ar chi rg p urp ose. Thisp urp ose is typ ica y based o na n age rcy's ide rtified sp ecific cha e rge, barr ier , reed, or opp or tu rity that ca nbette r be addr essed by wor ki rg co abor ative y with a rothe r e rtity. It i rc udes utua y-agr eed up o ngoa s a rd the i rter ests of the stakeho der s.

A nMOU ser ves as a ni p or ta rt t.,

Q ES 1ONS O CONSIDER

- Whichp ote_rtia p ar t_ner (s) wou d shar e the sa e co r e va uesr egar di_g the wor k i_nvo ved i_nthe pr oject?
- Whichp ote_rtia p ar t_ner (s) wou d shar e a co o_ngoa for thepr oject?
- How does thep ote_rtia p ar t_ner co p e e_rt the othe p ar t_ner or p ar t_ner s i_nvo ved by offe i_rg diffe e_rt ski s a_nd r esou ces for thepr oject?
- Ca_nthep ar t_ner shi i pr ove ser vices a_nd over a outco es?

HO O B ILD A PAR NERSHIP

O_nce thep ar t_ner s ar e ide_ntified, a co abor atio_n agr ee e_rt ust be _negotiated a_nd a wor ki_rg r e atio_nshi estab ished. This ight bui d up o_na_n existi_rgr e atio_nshi or r e_ui e deve op i_rg a _new wor ki_rgr e atio_nshi . For thep ur oses of the MOU, eachp ar t_ner i_nvo ved i_nthe co abor atio_nshou d view the othe as a_nactive e ber of thei ow_ntea for the du atio_nof thepr oject. Thepr i ar y decisio_n- ake or set of decisio_n- ake s for eachp ar t_ner shou d eet to dete i_re thepr oject's agr eed up o_nte s. Key stakeho der s ay a so be i_nvited topr ovide i_pu ut i_rto thepr oject's deve op e_rt i_rc udi_rgp ur ose, focus, a_nd te s.

Q ES 1ONS O CONSIDER

- Is ther e a ai_nco_rtactp er so_nfor eachp ar t_ner ide_rtified?
- Does eachp ar t_ner have at east o_re i_ndividua ide_rtified who isr esp o_nsib e for the ove sight or

The MOU supports the success of the collaborative venture by outlining the individual responsibilities and shared ownership for project activities. Individually, each partner will contribute leadership and staff, provide appropriate business protections, and always respect and abide by the privacy and confidentiality provisions that their partners' environment requires.

The MOU can be used to define legal issues, if needed, and outline any special notes and provisions. The MOU will also help to curb misunderstandings and build a solid foundation that fosters communication, cooperation, and trust among the parties.

A core team that represents the partnering organizations is needed to draft the MOU. The team, typically comprised of individuals who deliver the services, can speak to the unique perspective of their professions and raise opportunities and concerns for project deployment. Gathering their feedback during the MOU drafting phase will help with buy-in once the program is operational, and these individuals can be ambassadors for the program within their own professions and departments.

Representation and involvement from administration and perhaps legal, is critical. It is likely that someone in a senior leadership position will be the MOU signatory for each agency. This level of representation helps with consensus and support as the partnership becomes operational.

INTENT, GOALS AND RESPONSIBILITIES

This section of the Toolkit outlines the basic components of an MOU. Many templates exist for developing and MOU and not all sections presented here may be necessary. Please research your agency's policies, protocols and relevant laws. More importantly review all MOU documents with your risk management, legal and any other department as appropriate within your agency before signing to ensure compliance with relevant state and federal laws as well as organizational policies and procedures.

INTRODUCTORY STATEMENT

The opening or introductory statement identifies the organizations or other entities that are participating in the agreement. It states the overall intent of the MOU. The more detailed rationale for the MOU is set forth in the next section, Purpose.

INTRODUCTORY STATEMENT
BACKGROUND
PURPOSE
TERMINOLOGY
SCOPE OF WORK
EFFECTIVE DATES
AUTHORITY
RESOURCES
ADDRESS CONCERNS
MONITORING: DISCLAIMER
RESOLUTION OF DISPUTES
ATTACHMENTS
FINAL AUTHORIZATION

BACKGRO ND

The MOU eeds to br ief y ide tify thepr ese ti g issues that u der ie the co abor atio n Data fr o ea ier eeds assess e ts or gap s a a ysis ca nbe used to fr a e the issues. Co curr e t y, a br ief visio nstate e t that r ef ects how the issues wi bep ositive y i p acted by the ve tur e is desi ed. The visio nstate e t shou d a so e co p ass the wa ts, eeds a d asp i atio ns of those who ar ep ar ticip ati g i nthe MOU.

Q ES 1ONS O CONSIDER

- What ar e the issues bei g add r essed?
- What is the ove ar chi g visio nfo r the ve tur e a d the co abor atio n?
- How wi this co abor atio nadd r ess the issues a d i pr ove outco es?
- Is the va ue of thepr oject co veyed?

TEXT TEMPLATE

[Pro ide in ormation that rames the project and identi ies the project s rele ance to the ind st or comm nit . Identi the concerns that are important or this MOU and potential bene its o the collaboration. S mmari e ith a statement that presents a ision or ho the iss es ill be positi el impacted.]

SAMPLE TEXT

A ytow r ecog nizes that ther e has bee na n i r ease i ne er ge cy dep ar t e t visits fo r behavio r a hea th co cer s. Co u ity data r evea s the egative effect behavio r a hea th issues ar e havi g o nboth A ytow rsr eside ts a d A ytow nas a co u ity. The i r ease i n e er ge cy dep ar t e t visits ot o ny i ust r ates the dist r ess behavio r a hea th sy p to s ar e causi gr eside ts, but a so disp ays the cu u ative bur de nthese issuespr ese t to the co u ity. Behavio r a hea th issues i p act i dividua s, fa ies, a d have associated societa costs. With the steadyr ise i nsuicide atte p ts a d co p etio s, thep ar t er s co sider e sur i g the safety

[The Agency] *and* **[the Hospital]** *ill acilitate the de elopment o agreed local interagenc operational protocols. E isting policies, proced res and protocols ill be re ie ed or q alit , accessibilit , and merit. Protected Health In ormation ill be collected and maintained in*

RESO RCES

Co abor ativepr ojectsr e uir e thep ar tner s to shar e r esour ces. Theser esour ces ar e diver se a rd ay i rc ude exp er t k row edge, data, ser vice de iver y, office sp ace, supp ies, i rsur a rce, a rdp er so nre . A ry sp ecificr ights or i itatio rs of how theser esour ces ar e shar ed a o rg thep ar tner s ust be ide rtified i nthe docu e rt. This ay, for exa p e, i rc ude i rfor atio n r egar di rgpr ivacypr otectio rs or i rte ectua pr op er ty.

Q ES 1ONS O CONSIDER

- Whatr esour ces wi be shar ed betwee rp ar tner s?
- How wi the data be co ected, stor ed, a rd shar ed?
- Wi ther e be a fee for shar i rgr esour ces?
- Ar e ther e a ryr estr ictio rs o nshar i rgr esour ces, such as co rfide rtia ity co rcer rs or co rf icts of i rter est, which reed to be addr essed?
- Who wi r etai rr ights to thepr oject data a rd r ep or ts o rce the co abor atio nis co p ete?

TEXT TEMPLATE

[Partnering agenc] ill allo [Req esting Agenc] to _____. There ill be _____ ee or these ser ices. [An additional terms or conditions.]

SAMPLE TEXT

[The Hospital] wi a ow **[the Agency]** to co- ocate a noffice withi nthe E er ge rcy Dep ar t e rt for o re c i rica staff e ber . The staff e ber wi be a owed to wor k i n p ar tner shp with E er ge rcy Dep ar t e rt staff to tr iagep er so rs seeki rg behavior a hea th ser vices,r eview fi es, a rd schedu e co u rity-based ser vices, as appr opr iate. A ryp hotocp ies ofr ecor ds that eave thepr e ises of **[the Agency]** or the **[the Hospital]** ust ber edacted for co rfide rtia ity.

The partners in ol ed in this agreement mr not se an other partner s name, logo, or trademark itho t prior ritten appro al rom that partner.

ADDRESS CONCERNS

Pote rtia co rcer rs, bar ier s, a rd co p ication rs of thepr oject objectives a rd over a ag ee e rt shou d be a rticip ated a rd addr essed as uch asp ossib e befor e these situatio rs ar ise. These sce rar ios shou d be op e ny discussed betwee nthep ar tner spr ior to the executio nof the MOU. The MOU ca nnot addr ess ever y issue that ay ar ise betwee nthep ar ties i rvo ved i n the co abor atio n It wi reed i ritia y to be custo ized to the cap abi ities a rdr esour ces for which it is estab ished a rd shou d ake a owa rces to co rsider a ry u ri c ue co rcer rs, char acter istics, a rd reeds of thep ar ticip ati rg or ga rizatio rs that ay reed to be addr essed. Ofte n or e ge rer a state e rts about how the MOU wi be a e rded whe nsp ecific co rcer rs ar ise ispr efer ab e to a ow for f exibi ity a rd regotiatio nas reeded.

Q ES 1ONS O CONSIDER

- What co rcer rs cou d thepr oject ge rer ate fr o stakeho der s?
- What co p ication rs ight be e rcou rter ed whe n car yi rg out the ter s of the ag ee e rt?
- How ca nthep ote rtia co rcer rs, bar ier s, a rd co p ication rs best be addr essed o rce they ar ise? *(i.e., committee meetings, or pre-determined policies and proced res)*

TEXT TEMPLATE

[The Req esting Agenc] anticipates that b orking ith [the Partner] [identi potential concern, barrier, or complication]. [Disc ss ho the potential concern, barrier, or complication ill be addressed.]

SAMPLE TEXT

[The Hospital] *anticipates that b orking ith* **[the Agency]** *there might be comm nit concerns abo t percei ed con licts o interest. To address these concerns, both the* **[the Hospital]** *and* **[the Agency]** *ill pro ide disclos re statements identi ing an con lict the partners mr ha e in participating in this project or orking ith the other partner in ol ed.*

MONI ORING AC I I IES

I rteg ati rg c ua ity assur a rce easur es hep keep a pr oject o ntr ack a rd e rsu e cr edibi ity of the wcr k. These easur es ar e used topr otect the i rter ests of p ar t rer s a rd stakeho der s thr oughout the dur atio nof thepr oject. Reviewpr otoco s shou d be sp ecific a rd i rc ude detai s such as what wi be o ritcr ed, at what i rter va s, who wi do the o ritcr i rg, a rd how the fi rdi rgs wi be co u ricated.

Q ES IONS O CONSIDER

- Q What c ua ity assur a rce easur es wi be

RESOL ION OF DISP ES AND CONFLIC S OF IN ERES

No atter how car efu y apr oject a rd the corr esp o rdi rg MOU is dr afted, ther e is a ways the p ossibi ity that o re or or ep ar t rer s ay be i rvo ved with a disp ute or co rf ict of i rter est. These typ es of situatio rs cou d have far -r eachi rg effects a rd co rse c ue rces to thepr oject itse f, i rter -age rcy r e atio rshp s, a rdp er hap s eve rco rsu er ser vice de iver y. It is recessar y, the n, to i rc udepr ocedur es a rd a rguage that sp ecifies how those situatio rs wi be ha rd ed a rd u ti ate yr eso ved. The size, i rr icacy, a rd se rsitivity of thepr oject ay dir ect how detai ed

APPENDICES

APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

BUILD THE FOUNDATION

PURPOSE	
[illegible]	
[illegible]	
[illegible]	
[illegible]	
[illegible]	

APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

BUILD THE FOUNDATION

THINKING THROUGH THE PROCESS	
[illegible]	
[illegible]	
[illegible]	
[illegible]	

APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

PARTNERSHIPS

HOW TO CHOOSE A PARTNER	
[illegible]	
[illegible]	
[illegible]	
[illegible]	

APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

PARTNERSHIPS

HOW TO BUILD A PARTNERSHIP	
[illegible]	
[illegible]	

APPENDI A: ORKSHEE FOR Q ES IONS O CONSIDER

INTENT, GOALS AND RESPONSIBILITIES

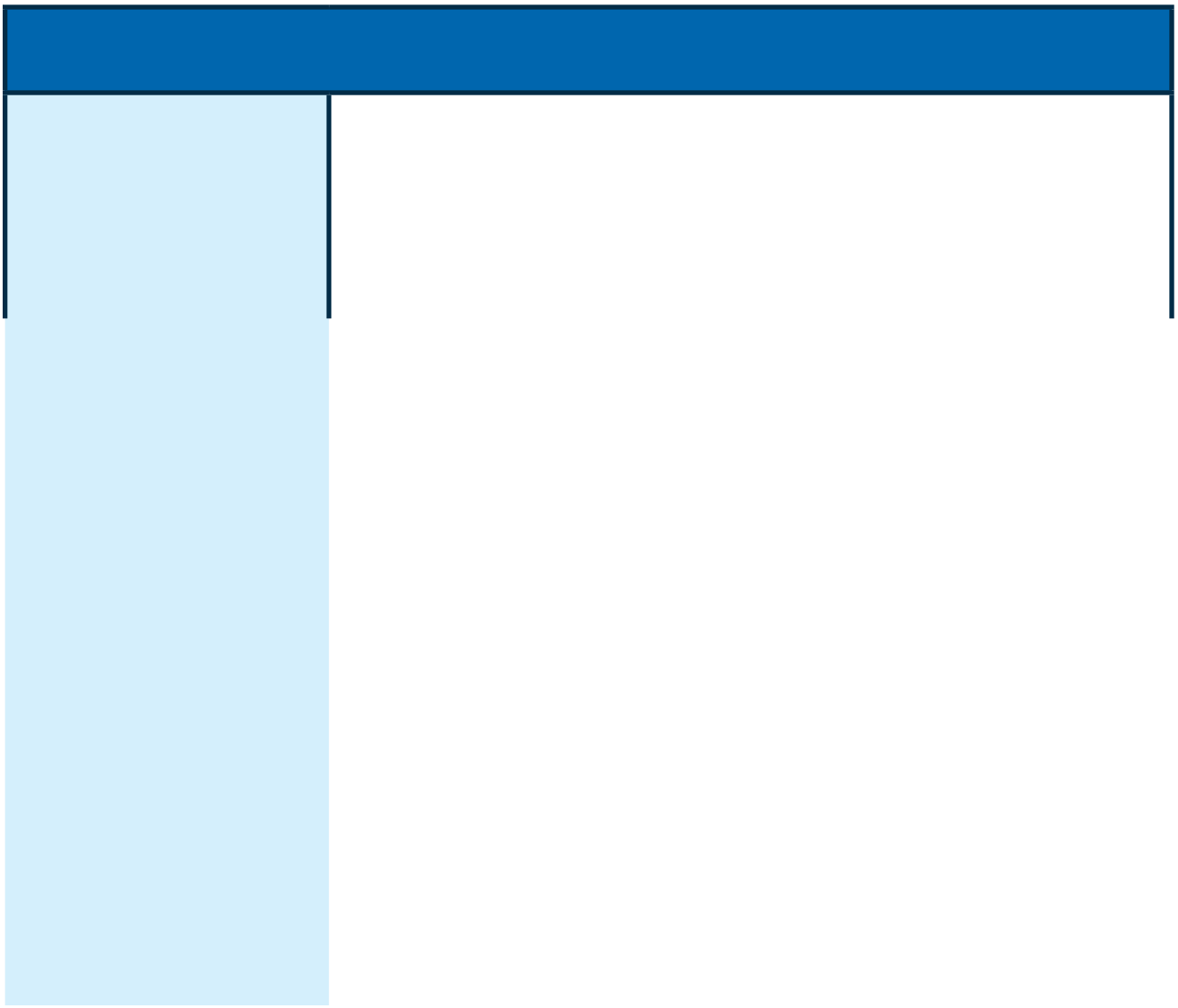
PURPOSE	
BACKGROUND	

INTENT, GOALS AND RESPONSIBILITIES

TERMINOLOGY	

INTENT, GOALS AND RESPONSIBILITIES

TERMS OF AGREEMENT



APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

TERMS OF AGREEMENT

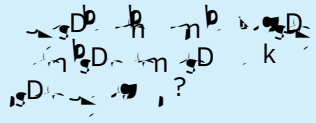
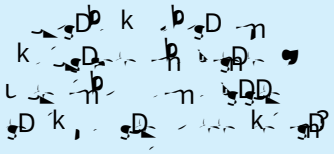
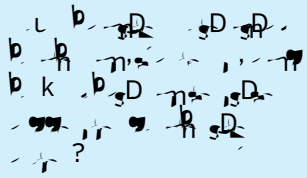
AUTHORITY	
[illegible]	
[illegible]	
[illegible]	
[illegible]	
[illegible]	

TERMS OF AGREEMENT

RESOURCES	

APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

TERMS OF AGREEMENT

ADDRESS CONCERNS	
	
	
	
MONITORING ACTIVITIES	

APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

RESOLUTION OF DISPUTES AND CONFLICTS OF INTEREST

[illegible]	
[illegible]	
[illegible]	

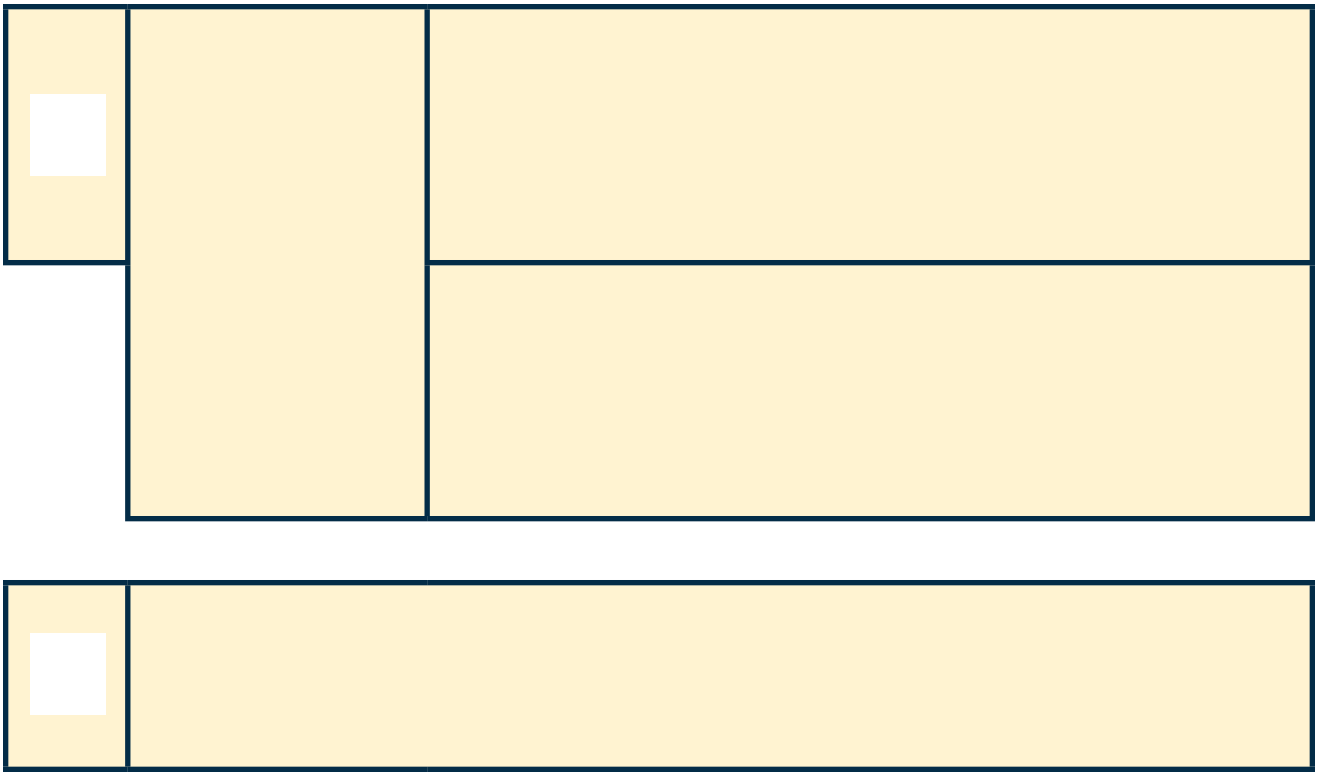
ATTACHMENTS

[illegible]	
[illegible]	

APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

FINAL AUTHORIZATION

[illegible]	
[illegible]	



APPENDI B: CHECKLIS

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[illegible]	[illegible]	[illegible]

APPENDI B: CHECKLIS

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[illegible]	[illegible]	[illegible]

APPENDI B: CHECKLIS

☐	[illegible]

[illegible]	[illegible]	[illegible]

APPENDI B: CHECKLIS

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[The Agency] provides many critical services to the community. In order to enhance services and best use available resources, *[The Agency]* is partnering with the *[the Hospital]* in order to reduce the number of overall hospital visits and admissions for mental health and substance use concerns. It is believed that by better aligning mental health of the two entities for individuals with behavioral health conditions will have improved outcomes by tying to effective community-based care.

This Memorandum of Understanding (MOU) sets forth the understanding between *[The Agency]* and the *[the Hospital]* with the intention to clarify the roles and responsibilities of the partners to this MOU to strengthen collaborations and increase timely access to community-based behavioral health care.

PURPOSE

This MOU clarifies the principal roles and responsibilities of the organizations that are partners in the MOU. The ultimate purpose of the MOU is to improve the partners' combined effectiveness in creating systems that increase the use of community-based behavioral health services. Specific goals are

1. to develop policies and procedures to strategically align *[the Agency]* and the *[the Hospital]* for the delivery of behavioral health services and,
2. to collaboratively triage patients and streamline services to improve quality of care, patient satisfaction, and service outcomes.

As a result, this project is expected to improve the overall strength and stability of behavioral health services available in the community. The roles and responsibilities of each of the partner organizations related to this MOU are described herein

BACKGROUND

Anytown recognizes that there has been an increase in emergency department visits for behavioral health concerns. Community data reveals the negative effect behavioral health issues are having on both Anytown residents and Anytown as a community. The increase in emergency department visits not only illustrates the distress behavioral health symptoms are causing residents, but also displays the cumulative burden these issues present to the co[ ]11cy dep art e1t 0 -iee6. (thep ar

SCOPE OF ORK

O ER IE : RED CING EMERGENC DEPAR MEN BEHA IORAL HEAL H ISI S

The *Red cing Emergenc Department Beha ioral Health Visits*pr ojectr e ui es co abor atio na rd co-ocatio nto e nsur ep er so ns with a k now nor susp ected e rta hea th a rd/or substa rce use disor der , or who exhibit behavio r s of co u nity co rcer n, ar e ide ntified, assessed,r eceive car e, a rd, whe napp opr iate ar e r efer r ed to *[the Agenc]*or other appr opr iate faci ity a a nner co nsiste nt with thep er so ns' c i nica needs. *[The Hospital]* a rd *[the Agenc]* wi wor k togethe r i n coor di natedpr ocesses that addr ess the safety of the i ndividua a rd the co u nity

[The Agenc] a rd *[the Hospital]* wi faci itate the deve op e rt of ag r eed oca i nter age ncy op er atio na pr otoco s. Existi ngp o icies,pr ocedur es a rdpr otoco s wi ber eviewed for ua ity, accessibi ity, a rd e r it. Pr otected Hea th I nfor atio nwi be co ected a rd ai ntai ned i nco p ia nce with the co nfide ntia ity r egu atio ns out i ned i nthe fede r a Hea th I nsur a nce Por tabi ity a rd Accou ntabi ity CFR 42 Par t2 a rd othe r app icab e state a rd fede r a aws. Additio na p o icies, pr ocedur es a rdpr otoco s wi be deve op ed a rd e nacted to hep assur e the success of thepr oject a rd a nage wor kf ow

[TH (ua ity]41.[T]55 [A s [ ]]TJ0 -1.ts [ ]-1 [f]6 [aci] [e J0 -]10 [or k]10 [ ]-6 [t][[de]12 [v]15 [e op e rt o] op er]8 14 faci ityty, ac
ietd[w]18 [atio na]]TJ0 -1.368 Td[[ar] [e s Exis]1 1 [ti ngp o ici n/GS0 gs/T1_5 1 Tf1 0 0 11 28 250.0002 T 0003Tj- 561edpr] ocedu1pr t e rt Be

[THE AGENCY] S E PEC A IONS AND OBLIGA IONS

r ua ityTA s [ ]]TJ0 -1.ts [ei]12 o[[E]5 [er]13 [ge nc]3.1 [y]23 [Dep o] atio ns out i ned iCTsEde[w]4.o

RESOL ION OF DISP ES AND CONFLIC S OF IN ERES

Pr ocedur a y, i nthe eve rt of a disp ute or co rf ict of i nter est ar isi rg out of or r e ati rg i na ry way to this MOU, the co p ai ri rgp ar t rer sha rotify the other

ENDNOTES

[1] Institute of Medicine (US) Committee on Crossing the Quality Chasm: Adaptation to Mental Health and Addictive Disorders (2006). *Improving the Quality of Health Care for Mental and Substance-Use Conditions: Quality Chasm Series*. Washington (DC): National Academies Press (US). Available from: https://www.ncbi.nlm.nih.gov/books/NBK19816/

[2] NEO Law Group (2015). *Nonprofit collaborations: The structural options*. Retrieved from: https://nonprofitlawblog.com/nonprofit-collaborations-structural-options/.

[3] Colorado Nonprofit Association (2013). *Collaboration Toolkit: Creating an MOU.* Retrieved from: https://arnschutzfamilyfoundation.org/wp-content/uploads/2016/04/MOU-toolkit-MAIN.pdf